



# COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

**MAR 28 2003**

## TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) PROGRAM

TANF Transmittal 21

This transmittal contains changes and clarifications related to Temporary Assistance for Needy Families (TANF) Program eligibility and the Virginia Initiative for Employment not Welfare (VIEW) Program. The revisions are listed below, followed by a discussion of the changes by topic:

- Intentional Program Violation (IPV)
- Fair Hearings
- Strikers
- Fleeing Felons
- Sixty-Month Limit on Receipt of TANF
- Living Arrangements
- Minor Parent Living Situations
- Income
- Poverty Levels
- Contributions in Kind
- Repayment Procedures
- VIEW Exemptions
- VIEW Volunteers
- VIEW Sanctions and Terminations
- VIEW Assessment
- VIEW Job Search Requirement
- VIEW Employment
- VIEW Hardship
- VIEW Brochures
- Index

- A. Intentional Program Violations (IPV) - Policy has been amended to address participants who intentionally provide misleading information to become eligible for VIEW or to obtain supportive or transitional services. Sections 102.1 through 102.14 provide the legal base, agency responsibilities, penalties for IPVs, administrative disqualification hearings information, and implementation of hearings decisions. Sections 503.1 through 503.8 have been updated to include VIEW fraud, improper payments, repayment procedures, calculating VIEW overpayments and the responsibility to repay overpayments. A statement was added to Section 901.4 and Chapter 1000, page 12, requiring the worker to explain reporting requirements at the initial assessment.
- B. Fair Hearings - Revisions have been made to Section 105.2, pages 1 -3, regarding continued benefits during an appeal. The recipient may receive continued benefits if the recipient appeals a negative action prior to the effective date or within two days following a conference. The Advance Notice of Proposed Action (032-03-018) has been revised to reflect this change. This form is available on the intranet at:  
[http://www.localagency.dss.state.va.us/divisions/bp/tanf/forms\\_publications.html](http://www.localagency.dss.state.va.us/divisions/bp/tanf/forms_publications.html).
- C. Strikers - The striker provision, which addressed retroactive ineligibility for a client participating in a strike on the last day of the month, has been deleted from policy. In this situation, the client should be evaluated for a VIEW sanction. References to participation in a work stoppage or strike have been removed from the Table of Contents, page 2, Sections 201.1, page 2, 302.6, pages 4a and 4b, Procedures Section IV, page 6, and the Index, page 13.
- D. Fleeing Felons - In Section 201.1, page 3a, statements have been added to clarify that an individual must have knowledge of an outstanding warrant in order to be considered “fleeing.” An individual must have an opportunity to document that he has fulfilled the requirements of the warrant. This makes TANF policy on fleeing felons consistent with Food Stamp policy.
- E. Sixty-Month Limit on Receipt of TANF - Policy was added to Section 201.1H.1, page 3a, to clarify that months in VIEW inactive status on the first of the month do not count toward the sixty-month limit.
- F. Living Arrangements - In Section 201.5, page 2, policy has been added to clarify that when a child is absent from the home longer than 45 consecutive days, the child may retain eligibility if good cause for the absence exists. Good cause must be approved by Central Office.
- G. Minor Parent Living Situations - Obsolete information at Section 302.7 A.2.b is deleted, which allowed a minor parent who does not meet the categorical requirements of an eligible child to be included in the assistance unit regardless of who provides care and control. The information at Section 302.7 A.2.c is renumbered to A.2.b.
- H. Income - Section 305.2.C has been added. The new paragraph clarifies that the gross amount of income is counted when wages are garnisheed or when a court orders withholding of child support from benefits of a required assistance unit member, such as

Social Security benefits, Unemployment benefits, and Worker's Compensation benefits. Supplemental Security Income (SSI) and public assistance benefits are exempt from garnishment.

- I. Poverty Levels - Section 305.4 (stepparent deeming) and Appendices 2 (VIEW grant calculation) and 3 (2003 Federal Poverty Levels) to Section 900 have been updated to reflect an increase in the federal poverty levels. The change in the poverty level impacting VIEW payments is effective with April payments. For stepparent deeming, the updated poverty level must be reflected at the next redetermination, or no later than October payments.
- J. Contributions in Kind - It is no longer necessary to evaluate in-kind contributions in determining financial eligibility. This change has been reflected in the Table of Contents, page 4, Section 305.4, pages 36a, 44, 45, Section 305, Appendix 2, Procedures, Section VII, pages 10 and 11, and the Index, page 4.
- K. Repayment Procedures - In Section 503.2, page 1a, a reference to an Attorney General's ruling from 1973 has been deleted.

In Sections 503.5 and 503.8, references to obsolete systems have been updated from VACIS to ADAPT and LANCER to LASER. A brief definition of 'waived' was added at Section 503.6.

In Section 503.6, page 2, the three year record retention time period for waived overpayments was removed. This change was made because claims must be collected if the client starts to receive assistance again.

In Section 503.8, page 4, record retention for overpayments was clarified. Records must be retained for three years after an overpayment is satisfied.

Section 503.8.C was revised on pages 3 and 3a, regarding the individuals who are responsible for repaying TANF and VIEW overpayments. Section 503.8, page 4, item 3 was deleted.

- L. VIEW Exemptions - Policy in Section 901.2.A and B and 302.7 A., page 5, has been clarified. Persons under 18 years of age are exempt from VIEW.

In Section 901.2 C, page 2, policy requiring a medical evaluation every 60 days has been amended. New medical evaluations will be required as indicated on the medical statement.

In Section 901.2, page 2a, we have clarified that a parent who is a convicted offender serving a sentence while still living in the home of the TANF case (see Section 302.6.D.12) is not required to participate in VIEW.

In Section 901.2, page 3, language was added stating that the TANF-UP household must decide which parent will participate in VIEW. If the household's situation changes, the

recipient may change the participant, with the approval of the ESW or EW. The recipient may not switch VIEW participants in order to avoid or cure a sanction.

- M. VIEW Volunteers - A statement was added to Section 304.2 to allow a non-parent caretaker whose needs are included in the assistance unit to remain eligible for inclusion in the assistance unit if he volunteers to participate in VIEW and his countable income is less than the current federal poverty level.

A statement was added to Section 901.2, page 3, to allow non-parent caretakers included in the assistance unit to volunteer to participate in VIEW.

Chapter 1000, page 12a, has been revised to add a VIEW volunteer trial period. For the first twelve months of VIEW participation, volunteers may have reduced participation requirements and may revoke their option to participate.

- N. VIEW Sanctions and Termination - Section 901.10, page 9a, clarifies actions regarding the 60-day notice. When an applicant is reapplying for TANF and has already received a 60-day notice, the agency must note the number of remaining months of eligibility on the Notice of Action to approve the case.

In Chapter 1000, pages 59 and 62, it has been clarified that the VIEW Notice of Sanction/Termination may be sent prior to sending an Advance Notice of Proposed Action to institute a VIEW sanction. The VIEW Notice of Sanction/Termination is available in the intranet at:

[http://www.localagency.dss.state.va.us/divisions/bp/tanf/forms\\_publications.html](http://www.localagency.dss.state.va.us/divisions/bp/tanf/forms_publications.html).

In Chapter 1000, page 63, policy was added that a notice will be sent to the VIEW sanctioned participant. The notice instructs the participant to contact his worker to discuss how the sanction can be lifted or to request closure of the TANF case. The notice will be sent 15 days prior to the end of the minimum time period. A second notice will be sent 90 days after the first notice is sent. The notice will be sent to the local agency's printer and the agency will send the notice to the participant. The form can be viewed on the intranet at:

[http://www.localagency.dss.state.va.us/divisions/bp/tanf/forms\\_publications.html](http://www.localagency.dss.state.va.us/divisions/bp/tanf/forms_publications.html). The form number is 032-03-643.

A statement has been added in Chapter 1000, page 66, to clarify that if the verifiable act of compliance to end a sanction is obtaining employment, the employment must be maintained through the end of the fixed period.

In Chapter 1000, page 66a, if a VIEW participant's TANF case closed and the participant is income ineligible for transitional child care, VIEW supportive child care will be provided for 90 days immediately after the TANF case closure or until the required number of job follow-ups are completed, whichever is longer.

- O. VIEW Assessment - A sentence in Chapter 1000, page 13, was added to clarify that the VIEW worker must sign and date the Agreement of Personal Responsibility at the initial assessment even if the client refuses to sign.

In Chapter 1000, page 14 has been reformatted. New information has been added at item 7, page 15, which explains that if a participant has limitations as indicated on a medical statement, the worker and participant must plan activities that take the limitations into account.

- P. VIEW Job Search Requirement - The VIEW requirement that participants in job search must complete 40 job contacts per month has been modified in Chapter 1000, pages 19, 21, and 56. Currently, the 40-contact requirement can be waived only upon approval of the regional consultant. Revised policy removes the 40-contact requirement and places responsibility on the local agency to establish the appropriate number of contacts on an individual basis.

In Chapter 1000, page 20, a note was added to require a joint effort between local agencies and resettlement providers when working with refugees in VIEW. This collaboration of efforts will provide a more cohesive plan for helping the refugee to reach self-sufficiency.

In Chapter 1000, page 55, the statement “Training not in a public school setting” was removed. Job skills training may be taught in a public school setting.

- Q. VIEW Employment - A statement has been added to Chapter 1000, page 19, to clarify that if the participant is engaged in a work activity for eight hours per week, he may participate in educational and training activities to fulfill the participation requirement of 30 hours per week.
- R. VIEW Hardship - Section 1000, page 76, has been clarified to state that if the participant is not complying with VIEW requirements, the TANF benefits will be terminated by the following month, as long as advance notice requirements are met.
- S. VIEW Brochures - Two brochures entitled “Leaving Welfare for Work Isn’t as Scary as it Seems” (032-01-154/2) and “Have You Heard About Benefits for Working Families???” (032-01-155/2) have been updated in Chapter 1000, Appendix E. These brochures can be ordered from the forms warehouse. The table of contents for Chapter 1000, Appendix E, has also been revised to include the newer form.
- T. Index - Pages 4, 13, 15, and 16 have been updated with changes related to this transmittal.

Runover pages: Sections 201.1 - 201.3, pages 4 - 4c, Section 305.3, page 14, and Section 503.9, page 4a. These pages contain no policy changes or clarifications.

Corrections have been made to the lettering or numbering in Sections 302.6, page 4c, and 302.7, page 5.

This transmittal is effective April 1, 2003. The transmittal pages are to be incorporated into the TANF Manual as follows:

Table of Contents, pages 2 and 4, dated 4/03 (2 sheets), to replace Table of Contents, pages 2 and 4, dated 3/00 (2 sheets).

Sections 102.1 - 102.14, pages 1, 1a, 2, 3, 3a, 4, and 7, dated 4/03 (7 sheets), to replace Sections 102.1 - 102.14, pages 1, 2, 3, 3a, 4, and 7 dated 10/99, 10/99, 10/99, 10/99, 12/92, and 12/92, respectively (6 sheets).

Sections 105.1 – 105.3, pages 1 - 3, dated 4/03 (3 sheets), to replace Sections 105.1 – 105.3, pages 1 - 3, dated 10/02 (3 sheets).

Section 201.1, page 2, dated 4/03 (1 sheet), to replace Section 201.1, page 2, dated 7/96 (1 sheet).

Section 201.1, page 3a, dated 4/03 (1 sheet), to replace Section 201.1, page 3a, dated 10/00 (1 sheet).

Sections 201.1 - 201.3, pages 4 - 4c, dated 4/03 (4 sheets), to replace Sections 201.1 - 201.3, pages 4 - 4c, dated 10/00 (4 sheets).

Section 201.5, page 2, dated 4/03 (1 sheet), to replace Section 201.5, page 2, dated 3/00 (1 sheet).

Section 302.6, pages 4a - 4c, dated 4/03 (3 sheets), to replace Section 302.6, pages 4a - 4c, dated 10/00, 10/00 and 3/00, respectively (3 sheets).

Section 302.7, page 5, dated 4/03 (1 sheet), to replace Section 302.7, page 5, dated 10/00 (1 sheet).

Sections 304.2 - 304.3, page 2, dated 4/03 (1 sheet), to replace Sections 304.2 - 304.3, page 2, dated 3/00 (1 sheet).

Sections 305.2 - 305.3, pages 13-14, dated 4/03 (2 sheets), to replace Sections 305.2 - 305.3, pages 13-14, dated 10/00 and 10/94, respectively (2 sheets).

Section 305.4, page 36a, dated 4/03 (1 sheet), to replace Section 305.4, page 36a, dated 10/94 (1 sheet).

Section 305.4, page 38, dated 4/03 (1 sheet), to replace Section 305.4, page 38, dated 5/02 (1 sheet).

Section 305.4, pages 40 and 41, dated 4/03 (2 sheets), to replace Section 305.4, pages 40 and 41, dated 5/02 (2 sheets).

Section 305.4, pages 44 and 45, dated 4/03 (2 sheets), to replace Section 305.4, pages 44 and 45, dated 7/00 and 7/99, respectively (2 sheets).

Remove Section 305, Appendix 2, dated 7/00 (1 sheet).

Sections 503.1 - 503.9, pages 1, 1a, 1b, 2, 2c, 2d, 3, 3a, 4, and 4a, dated 4/03 (10 sheets), to replace Sections 503.1 - 503.8, pages 1, 1b, 2, 2c, 2d, 3, 3a, 4, and 4a, dated 7/93, 7/99, 12/92, 10/99, 7/00, 7/00, 7/00, 1/95, and 4/96, respectively (9 sheets).

Sections 901.1 - 901.3, pages 1 - 3, dated 4/03 (4 sheets), to replace Sections 901.2 - 901.3, pages 1 - 3, dated 5/99, 1/03, 1/03, and 10/02, respectively (4 sheets).

Sections 901.3 - 901.5, page 5, dated 4/03 (1 sheet), to replace Sections 901.3 - 901.5, page 5, dated 7/00 (1 sheet).

Section 901.10, page 9a, dated 4/03 (1 sheet), to replace Section 901.10, page 9a, dated 6/01 (1 sheet).

Section 900, Appendix 2, pages 1 – 6, dated 4/03 (6 sheets), to replace Section 900, Appendix 2, pages 1 – 6, dated 5/02 (6 sheets).

Section 900, Appendix 3, page 1, dated 4/03 (1 sheet), to replace Section 900, Appendix 3, dated 5/02 (1 sheet).

Chapter 1000, pages 12 - 15, dated 4/03 (5 sheets), to replace Chapter 1000, pages 12 - 15, dated 10/99, 7/00, 10/00 and 1/03, respectively (5 sheets).

Chapter 1000, pages 19 - 21, dated 4/03 (3 sheets), to replace Chapter 1000, pages 19 - 21, dated 3/00, 7/99, and 7/99, respectively (3 sheets).

Chapter 1000, pages 55 and 56, dated 04/03 (2 sheets), to replace Chapter 1000, pages 55 and 56, dated 7/00 (2 sheets).

Chapter 1000, page 59, dated 4/03 (1 sheets), to replace Chapter 1000, page 59, dated 10/02 (1 sheet).

Chapter 1000, pages 62 and 63, dated 4/03 (2 sheets), to replace Chapter 1000, pages 62 and 63, dated 10/02 and 10/00, respectively (2 sheets).

Chapter 1000, pages 66 and 66a, dated 4/03 (2 sheets), to replace Chapter 1000, pages 66 and 66a, dated 1/03 (2 sheets).

Chapter 1000, page 76, dated 4/03 (1 sheet), to replace Chapter 1000, page 76, dated 6/01 (1 sheet).

Chapter 1000, Appendix A, page 1, dated 4/03 (1 sheet), to replace Chapter 1000, Appendix A, page 1, dated 10/02 (1 sheet).

Chapter 1000, Appendix A, pages 42 - 43, dated 4/03 (2 sheets), to replace Chapter 1000, Appendix A, pages 42 - 43a, dated 1/03, 10/02, and 10/02, respectively (3 sheets).

Chapter 1000, Appendix E, pages 1 - 9, dated 4/03 (9 sheets), to replace Chapter 1000, Appendix E, pages 1 - 9, dated 6/01 (9 sheets).

Procedures Section IV, page 5, dated 4/03 (1 sheet), to replace Procedures Section IV, page 5, dated 1/97 (1 sheet).

Remove Procedures Section IV, page 6, dated 10/90 (1 sheet).

Procedures Section VII, pages 10 and 11, dated 4/03 (2 sheets), to replace Procedures Section VII, pages 10 and 11, dated 4/95 (2 sheets).

Index, pages 4, 13, 15, and 16, dated 4/03 (4 sheets), to replace Index, pages 4, 13, 15, and 16, dated 7/00 (4 sheets).

If you have any questions, please contact your Regional TANF Consultant:

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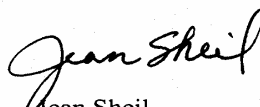
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Jean Sheil  
Deputy Commissioner



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INTENTIONAL PROGRAM VIOLATION

4/03

102.1 - 102.2

102.1 DEFINITION - "Intentional Program Violation (IPV)" means any action by an individual for the purpose of: **1) establishing or maintaining the family's eligibility for Temporary Assistance for Needy Families (TANF)\* or Virginia Initiative for Employment not Welfare (VIEW); or 2) increasing or preventing a reduction in the amount of the grant; or 3) establishing eligibility for VIEW supportive or transitional services.\*\* For an IPV to exist, the action by the individual must be: 1) an intentionally false or misleading statement or misrepresentation; 2) concealment or withholding of facts; or 3) any act intended to mislead, misrepresent, conceal or withhold facts or propound a falsity.\*\*\* Whoever obtains or attempts to obtain, or aids or abets any person in obtaining, by means of a willful statement or representation, or by impersonation, or other fraudulent device, assistance or benefits from TANF and other programs designated under rules and regulations of the State Board of Social Services is committing an IPV.**

102.2 RESPONSIBILITIES OF LOCAL DEPARTMENTS - The local agency has the following responsibilities in relation to IPV:

A. **During the TANF application and VIEW assessment** the agency must ensure and document that a clear and full explanation is given to the applicant/recipient of the eligibility requirements for the type of assistance **and services** being requested or received; of his responsibility to give complete and accurate information related to his eligibility and to report promptly and fully any changes in his circumstances; and of the provisions of the law with respect to knowingly giving false information or deliberately withholding information which would affect his eligibility for assistance or the amount thereof. The worker must explain fully to the recipient what types of changes in his circumstances would have an effect on the grant **and services provided. At TANF application, the agency must explain IPV to the applicant/recipient and explain the Notice of Intentional Program Violation Penalties. This form may be found on the local agency DSS Intranet site ([www.localagency.dss.state.va.us](http://www.localagency.dss.state.va.us)). A copy is to be given to the applicant/recipient and a copy is filed in the eligibility record. The agency must explain to the applicant/recipient that the changes at Section 305.1 and any changes that may affect his eligibility must be reported to the agency within ten days the change becomes known to the applicant/recipient. Some of the changes to be reported, include, but are not limited to:**

1. change in employment,
2. change in wages,
3. date left employment,
4. date child(ren) taken out of child care facility,
5. date transportation assistance is no longer needed,
6. date client/participant is relocating,
7. change in mailing address,
8. change in number of persons in the household,
9. the receipt of a lump sum of funds, and
10. change in transportation vendor.

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\* 45 CFR 235.112

\*\* 2002 Acts of Assembly, Item 362

\*\*\* Code of Virginia 63.2-522

- B. The local agency must conduct an investigation of an allegation that an individual committed an intentional program violation, regardless of the TANF payment **or VIEW Program** status. A determination as to whether an IPV has occurred must be based on careful consideration of the particular circumstances. A determination must be made that there has been a deliberate misrepresentation on the part of the applicant/recipient. Consideration should be given to: (1) whether the incorrect or unreported information was, in fact, known to the applicant/recipient and (2) whether the applicant/recipient understood the eligibility and reporting requirements.
- C. The local agency is required to proceed against any individual alleged to have committed an intentional program violation by referring the matter to the appropriate authorities for criminal action in a federal or state court or through an administrative disqualification hearing (ADH).

An individual may be charged with IPV even if the application was denied. An overpayment does not have to exist for there to be a determination of an IPV. **Individuals may be charged with an IPV for VIEW even if supportive or transitional services have not yet been received. For a VIEW IPV the agency is not to terminate future supportive or transitional services if those services are needed to assist the client to maintain employment.**

The local agency may refer a case for prosecution or initiate an ADH regardless of the current eligibility of the individual.

- D. The local agency must coordinate its actions with any corresponding actions being taken against the individual under the Food Stamp Program if the factual issues involved arise out of the same or related circumstances.

- E. The forms listed below must be used in the IPV process. The forms and instructions for their use may be accessed from the Local Agency DSS Intranet site ([www.localagency.dss.state.va.us/](http://www.localagency.dss.state.va.us/)).
1. Notice of Intentional Program Violation (032-03-721)
  2. Waiver of Administrative Disqualification Hearing (032-03-722)
  3. Referral for Administrative Disqualification Hearing (032-03-725)
  4. Advance Notice of Administrative Disqualification Hearing (032-03-724)
  5. Administrative Disqualification Hearing Decision (032-03-723)
  6. Notice of Disqualification for Intentional Program Violation (032-03-052)
- F. The local agency shall confer with the appropriate local legal authorities to determine the types of cases accepted for prosecution and cases of alleged IPV will be referred for prosecution in accordance with the agreement established between the legal authority and the local agency. This agreement shall include information on how and under what circumstances cases will be accepted for possible prosecution and any other criteria set by the prosecutor for accepting cases for prosecution, such as a minimum amount of overpayment which resulted from the IPV. The local agency is to refer for prosecution those individuals **as agreed to with the Commonwealth's Attorney.**

102.3 IPV DISQUALIFICATION PENALTIES - An individual found to have committed an IPV by a court of appropriate jurisdiction, pursuant to an administrative disqualification hearing (ADH), or waiving his right to an administrative disqualification hearing is subject to IPV penalty periods of six months for the first offense, twelve months for the second offense, or permanently for the third offense. Notice of the disqualification penalties for IPV is included in the Application for Benefits (032-03-824).

NOTE: No individual can be disqualified for **a TANF IPV** that was committed prior to December 1, 1992 **or an IPV committed in the VIEW Program prior to April 1, 2003.** IPV's committed prior to this date can be referred for prosecution; however, no disqualification period can be imposed if found guilty. Additionally, the ADH process is not applicable to IPV's committed prior to December 1, 1992.

- A. Only the individual found guilty of committing an IPV shall be disqualified. The local agency shall not take the individual's needs into account when determining the assistance unit's need and the amount of assistance. However, if the individual is a parent, any resources and income of the disqualified parent must be considered available to the assistance unit. (See Section 305.4)
- B. The period of disqualification must begin no later than the second month following the month of the court's decision of guilty, the date the waiver notice is received by the local agency, or the date the Administrative Disqualification Hearings Decision Notice is issued by the hearing officer. If the individual is not eligible for TANF at the time the disqualification is to begin, the period must be postponed until the individual applies for and is determined eligible for benefits. The disqualification period must run uninterrupted until it expires.

The disqualification penalty must be in addition to, and cannot be substituted for, any other sanctions or penalties which may be imposed by the court for the same offense. The disqualification penalty cannot substitute for other sanctions under the TANF program.

Any period for which a disqualification period is imposed will remain in effect, without possibility of an administrative stay, unless and until the finding upon which the penalty was based is subsequently reversed by a court of appropriate jurisdiction. In no event shall the duration of the period for which such penalty is imposed be subject to review in a fair hearing.

- C. An individual convicted in state or federal court of fraudulently misrepresenting his address to receive benefits in two or more states is ineligible to receive TANF for 10 years. Benefits refer to TANF, Medicaid, and Food Stamps. The 10 year period begins on the date the individual is convicted.\*

102.4 ADMINISTRATIVE DISQUALIFICATION HEARINGS (ADH) - An administrative disqualification hearing is an impartial review by a hearing officer of an individual's actions involving an alleged IPV for the purpose of rendering a decision of guilty or not guilty of committing an IPV.\*\*\*

In order to request an ADH, the local agency shall ensure that a pre-hearing investigation has occurred and that the evidence supports the charge of intentional program violation. There must be clear and convincing evidence which demonstrates the individual committed or intended to commit a **TANF/VIEW** IPV. Examples of evidence include **but are not limited to:**

- A. Written verification of unreported income or resources received by the individual; or

\* Code of Virginia 63.2-522

\*\* Public Law 104-193

\*\*\* 45 CFR 235.113

- B. Verification that the individual understood the reporting responsibility by his signature on the application/redetermination form or another form for this purpose.
- C. An application/redetermination form or change form submitted during the period the IPV is alleged to have occurred which omits the information in question; or
- D. Documented contacts with the individual during the period the IPV is alleged to have occurred in which the individual failed to report the information in question.
- E. **Verification that information on a voucher or check for gas or check to a vendor was altered. Example: changing money amounts, purpose, date or signature; or**
- F. **Verification that the client received other services provided by the agency and sold them to another individual; or**
- G. **Verification that items were obtained under false pretenses. Example: receiving assistance to obtain an automobile and giving it to another person.**

If a case is referred for an ADH, it shall not be simultaneously referred for prosecution. Cases dismissed in court or individuals acquitted by the court cannot be referred for an ADH.

102.5 NOTIFICATION OF IPV - Prior to requesting an ADH by the State Hearing authority, the local agency shall provide the form, Notice of Intentional Program Violation, to the individual alleged to have committed the program violation advising the individual of the alleged IPV. In addition, the individual must be informed he can waive his right to an administrative disqualification hearing by signing the Waiver of Administrative Disqualification Hearing form and returning this form to the local agency within 10 days.

If a signed waiver is received, an ADH is not scheduled and the disqualification period is imposed in accordance with policy at Section 102.3. A copy of the signed waiver is to be sent, for federal reporting purposes, to:

Manager, Appeals and Fair Hearings  
Virginia Department of Social Services  
730 East Broad Street  
Richmond, VA 23219-1849

102.6 REFERRAL FOR AN ADH - If a signed waiver is not received within 10 days, the local agency shall request an ADH be scheduled by submitting form, Referral for Administrative Disqualification Hearing, to the State Hearing authority. The form must include the following information:

- A. Identifying information
- B. Summary of the allegation(s)
- C. Summary of the evidence
- D. Copies of documents supporting the allegation(s)

The referral is to be signed and dated by the supervisor or local agency director.

A fair hearing and an ADH may be combined into a single hearing if the factual issues arise out of the same or related circumstances provided that the individual receives prior notice of the consolidation.

102.7 SCHEDULING THE ADH - Upon receipt of the request for an ADH, the State Hearing authority will forward the request to the appropriate Regional Hearing Officer.

102.8 ADVANCE NOTICE OF ADH - The hearing officer will schedule a date for the ADH and provide written notice to the individual suspected of committing an IPV at least 30 days in advance of the date the ADH has been scheduled. The form, Advance Notification of Administrative Disqualification Hearing, is used for this purpose.

102.9 TIME AND PLACE OF THE ADH - The time and place of the ADH shall be arranged so that the hearing is accessible to the individual suspected of committing an IPV. The individual may request a postponement of the ADH if the request for postponement is made at least 10 days in advance of the date of the scheduled hearing. The ADH shall not be postponed for more than a total of 30 days and the State Hearing authority may limit the postponement to one.

102.10 FAILURE OF INDIVIDUAL TO APPEAR AT THE ADH - The ADH can be held even if the individual fails to appear. The individual has 10 days from the date of the scheduled ADH to present reasons indicating good cause for failure to appear. No notice to the individual is required when failure to appear occurs.

Even though the individual is not represented, the hearing officer must carefully consider the evidence and determine if an IPV was committed based on clear and convincing evidence. If the individual is found to have committed an IPV but a hearing officer later determines there was good cause for not appearing, the previous decision is no longer valid and a new ADH must be conducted. The hearing officer who conducted the original hearing may conduct the new hearing. The good cause decision must be entered into the hearing record by the hearing officer.

102.11 PARTICIPATION WHILE AWAITING A HEARING - A pending ADH shall not affect the individual's right to participate in the **TANF/VIEW** program. The local agency may not disqualify an individual until the hearing officer finds that the individual has committed an IPV. This does not preclude, however, the local agency from reducing, suspending or terminating assistance for other reasons.



The amount of the overpayment subject to repayment may be appealed by a fair hearing, provided that the individual did not request a fair hearing for that reason which was consolidated with the ADH.

102.14 IMPLEMENTATION OF THE HEARING DECISION - Upon receipt of the notice of a decision from the hearing officer finding the individual guilty of an IPV, the local agency must inform the individual of the disqualification by sending the Notice of Disqualification for Intentional Program Violation Form. **A copy of the decision will be placed in the TANF and/or VIEW case record.** The notice shall inform the individual of the reason for the disqualification and the date the disqualification shall take effect or that the disqualification will be postponed until the individual reapplies and is determined eligible for benefits if the **TANF** case has been terminated **or closed**. Additionally, this notice must advise the individual of the amount of benefits the assistance unit will receive. The individual must be disqualified in accordance with policy located at Section 102.3. The Advance Notice of Proposed Action must also be sent to serve notice of the reduction or termination of benefits.

If the individual is found not guilty of committing an IPV, no disqualification is imposed and any overpayment is handled as a nonfraud recovery.

## 105.1 NOTIFICATION OF RIGHT TO APPEAL -

- A. Every applicant for and recipient of assistance shall be informed in writing, at the time of application and at the time of any action, proposed or taken, affecting his claim, of the circumstances under which he has a right to a fair hearing of the method by which he may obtain a hearing, and of the right to be represented by others or to represent himself.\* This is accomplished by giving each applicant the booklet, Virginia Social Services Temporary Assistance Programs, describing the assistance program(s) for which he is applying and fair hearing procedures at the time assistance is first requested. For recipients this is accomplished when the recipient receives a written notice at the time of any action, proposed or taken, affecting his claim.

In addition to the use of written material, the local agency worker has the responsibility of informing the client orally of the right to appeal to the State agency if he is dissatisfied with any actions of the local board or Superintendent or failure to act in relation to his eligibility or the amount of assistance.

- B. Local agencies have an affirmative duty to provide information and referral services to help claimants make use of any legal services available in the community for representation in appeal hearings.
- C. In addition to advising applicants and recipients about the right of appeal and the hearing procedures, other interested persons and organizations are to be advised verbally and by use of the leaflets as indicated.

## 105.2 FAIR HEARINGS

- A. Opportunity for a Local Agency Conference -

The recipient must be offered an opportunity, at the time the Notice to Client of Action or the Advance Notice of Proposed Action is issued, to request such an agency conference at which he must receive an explanation of the proposed action and must have an opportunity to present any information on which his disagreement with such action is based. At the conference the recipient may be represented by an authorized representative, such as legal counsel, relative, or friend.

Upon receipt of a request for such a conference, the local department must schedule the conference within 10 working days.

The recipient's failure to request a local agency conference or failure to appear at a scheduled conference has no effect upon his right of appeal to the State agency within 30 days or upon his right to continued assistance if he appeals **prior to the effective date of the proposed change**, as specified in Subsection B.

\* 45 CFR 205.10(a)(3)

The local agency conference may or may not result in a change in the agency decision regarding action.

If the agency decision is not to take action or to take action different from that indicated on the advance notice, the recipient must be so advised by use of the Advance Notice of Proposed Action. Provisions of Subsection B again apply.

If the recipient is not satisfied with the agency action following the conference and wishes to request a fair hearing before the State agency, the local agency must give him the opportunity and, if necessary, provide assistance in filing an appeal. If an appeal is filed **prior to the effective date of the change or** within two days following the date of the conference, and validated by the hearing officer, assistance must be continued in the original amount until the hearing decision, unless there is a written request to refuse the continuation of assistance pending a decision.

If an appeal is not filed **prior to the effective date of the change or** within two days of the date of the conference, an appeal will still be valid if filed within the 30-day time limit; however, assistance will be adjusted in accordance with the proposed action.

B. Special Provisions with Respect to Termination or Decrease in Amount of Assistance

1. Advance Notice of Proposed Action - Federal regulations,\* based on the Goldberg v. Kelly decision of the United States Supreme Court, require that in cases of any proposed reduction, termination, or suspension of assistance payments, written advance notice of the proposed action must be mailed to the recipient at least 10 days before the action is taken. In this context, "action" refers to the date of issuance of the reduced assistance check, or in cases of termination or suspension, failure to issue the check on the regular mailing date. In the computation of the 10 days the date the advance notice is postmarked shall not be included.
2. Provisions Regarding Continuation of Assistance - **If a conference is requested within 10 days of receipt of the Advance Notice of Proposed Action, the proposed action will not be taken until a decision is made at the conference. If a hearing request is received prior to the effective date of any proposed reduction in benefits or within two days following the date of the conference,** assistance must be continued in the original amount without interruption until a hearing decision is rendered but is subject to recovery by the agency if its action is sustained. (Refer to 106.1 E) However, assistance will not be continued in the original amount if the recipient submits, in writing, a statement indicating his/her desire to refuse such assistance. When continuation of assistance in the original amount is declined by the recipient and the hearing decision is in the recipient's favor, the agency will correct the underpayment(s).

In the event the hearing decision is adverse to the recipient, the method of collection is that prescribed for recoupment and recovery of overpayments set forth at Section 503.8.\*

The requirement for filing an appeal or requesting a local agency conference is met if the request for a conference **is made within 10 days of receipt of the Advance Notice of Proposed Action** or a fair hearing request is received by the State or local agency, or postmarked, by the **effective date of the change**. **The same time frame for filing an appeal applies** in situations where the assistance unit is homeless and it is agreed that all notices will be available to the client at the local agency.

Upon notification by the hearing officer, the agency shall inform the claimant in writing that assistance is being continued in the same amount pending the hearing decision unless there are subsequent changes in the claimant's situation. (Refer to 106.1 E)

The following procedures are established to assure that assistance is continued without interruption in every case where a recipient has filed a valid appeal **prior to the effective date of the proposed change**:

If the effective date for checks occurs more than 10 days but within 15 days of the date on which the Advance Notice of Proposed Action is mailed (excluding the date of postmark) and

- A. The proposed action is to terminate or suspend assistance, the assistance check is not mailed but must be available for same day issuance in the event an appeal is filed or a conference is requested within the 10-day advance notice period.
- B. In cases of proposed action to reduce assistance, a check in the reduced amount is issued, but the difference between the reduced amount and the prior amount must be available for same day issuance in the event a timely appeal is filed or a conference is requested.

The 15-day period is provided to allow time for mail delivery and possible weekend or holiday delays in the event an appeal is filed or a conference requested toward the end of the advance notice period.

\* 45 CFR 233.20(a)(13)

- D. IMMUNIZATIONS - All applicants and recipients for **TANF** must supply verification that all otherwise eligible children have received the immunizations required by the Code of Virginia.\* The agency must inform applicants of the immunization requirement at initial application and must inform recipients on 7/1/95 on their first scheduled redetermination after 7/1/95. The immunization schedule is established by the State Board of Health.
1. ACTION AT FIRST REDETERMINATION AFTER NOTIFICATION - By the first redetermination after being informed of the immunization requirement, the recipient must provide the following or the worker must reduce the **TANF** grant:
    - a. Verification that the child has received all immunizations appropriate to his age;
    - b. Verification that the child has received at least one dose of each of the required immunizations as appropriate for the child's age and that the child's physician or the local health department has prepared a plan for completing the immunizations. The plan needs only to indicate when future immunizations are due; or
    - c. Verification that the child is exempt.
  2. ACTION AT SECOND REDETERMINATION AFTER NOTIFICATION - At the second redetermination and subsequent redeterminations after being informed of these requirements, the recipient must provide verification of compliance with the immunization schedule or the plan prepared by the physician or health department, until the child has received all required immunizations. Failure to provide the necessary verifications shall result in a grant reduction.
  3. ADDING A CHILD TO THE ASSISTANCE UNIT AND TRANSFERS- When a child is added to the assistance unit, the eligibility worker must advise the parent/caretaker of the immunization requirement. The parent/caretaker shall be allowed at least six months to provide verification that the child has met the immunization requirement. As verification of immunizations is only required at redetermination, sanctions shall not be imposed for such a child until the first redetermination occurring at least six months after the child is added.

Example: On February 1, Ms. I reports a new child, Tom, in the assistance unit. The worker advises Ms. I of the immunization requirement for Tom. On April 15, Ms. I has a redetermination interview. No immunization verification is required for Tom. At the next redetermination in October, Ms. I fails to provide verification of Tom's immunizations. The grant is reduced for November.

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\* 45 Code of Virginia, 63.2-603

- E.** An individual convicted in state or federal court of a felony offense for possession, use, or distribution of a controlled substance is ineligible to receive TANF. The applicant must state, in writing, whether he or any other required member of the assistance unit has been convicted of such a crime. This restriction shall not apply if the conviction is for conduct occurring on or before August 22, 1996.\*
- F.** An individual is ineligible if he is:
1. fleeing to avoid prosecution or custody for a felony under the laws of the place from which the individual flees; (**Note: To be considered "fleeing" an individual must have knowledge of an outstanding warrant. An individual must have an opportunity to document that he has fulfilled the requirements of the warrant**) or
  2. fleeing to avoid confinement after conviction for a felony under the laws of the place from which the individual flees; or
  3. in violation of a condition of probation or parole imposed under federal or state law.\*
- G.** SIXTY (60) MONTH LIMIT ON RECEIPT OF TANF - An assistance unit that includes an adult who has received 60 months of assistance under TANF as defined below, is not eligible for assistance.\* "An assistance unit that includes an adult" means an assistance unit where the adult's needs are included in the grant or a case where the adult's needs are not included in the grant but the adult is required to participate in VIEW. (See 901.2.) The 60 months of TANF eligibility is an accumulated period of time. Months that do not count on the VIEW clock will not count toward the 60-month limit, with the exception of TANF benefits received in another state.

A month in which an individual received TANF benefits in another state counts toward the 60-month limit. If an applicant states on the application for TANF benefits that he received assistance in another state, the eligibility worker must verify any TANF months to be counted by contacting the appropriate state and document the case record accordingly. Note: The effective date for TANF implementation will vary from state to state.

The following months of receipt of TANF in Virginia do not count toward the 60 month limit:

- 1) Months in which no time is accrued on the assistance unit's VIEW clock, **including months that a client is in inactive status on the first of the month;**
- 2) Months of receipt of Aid to Families with Dependent Children (AFDC). Thus, months of financial assistance received in Virginia prior to February 1, 1997 do not count;
- 3) Any months that an individual receives assistance as a minor child (not a caretaker);
- 4) Months during which the adult lived on an Indian reservation or in an Alaskan Native village if, during the month:
  - (a) at least 1,000 individuals were living on the reservation or in the village; and
  - (b) at least 50 per cent of the adults living on the reservation or in the village were unemployed;

- 5) Months in which the case was a "control" case. (Petersburg, Portsmouth, Prince William, Wise, and Lynchburg were research sites for the VIP evaluation. Cases in these localities were assigned a research or control status.)

Example 1: Client moved to Virginia 7/10/00 and subsequently applied for TANF. She indicated receipt of TANF in North Carolina approximately six months prior to this application. EW contacts the local agency in North Carolina and verifies that client received TANF there from February 1999 through January 2000. Applicant was found eligible in Virginia August 2, 2000. Client has a child four months old and is exempt from VIEW. The EW will add February 1999 through January 2000 to the 60-month clock and it will not accrue further at this time because the client has no current VIEW clock.

Example 2: Client is participating in VIEW and her clock has run from April 1999 through July 2000. On July 8, 2000 the VIEW worker placed the client in inactive status. ESW places the client back in active status on August 22, 2000. July will count as a month in the 24-month limit. August will not count because of the inactive status on the first of the month. The count will resume with the month of September.

201.2 AGE - The month, day, and year of the child's birth must be established and evidence thereof entered in the eligibility case record, except that, pending the securing of such evidence, assistance must not be denied an otherwise eligible child who is obviously under 12.

If the day and month cannot be established, July 1 is assumed to be the birthdate.

Continuing Eligibility\*- The child is eligible until he reaches the age of 18. He is eligible for the month in which his 18th birthday falls if he has not attained the specified age on the first day of that month.

An 18 year old child may be eligible if enrolled in a secondary school or a vocational/technical school of secondary equivalency if he is expected to complete the high school or vocational/technical program prior to or in the same month as his 19th birthday. The program is considered completed on the last day of final exams or, if exams are not required, the last day of scheduled classes. The child will be eligible for the month in which completion of the school program occurs; however, eligibility cannot be extended past that month. The case record must be well documented in this area.

201.3 SCHOOL ATTENDANCE\*\* - To be eligible for assistance, children in the assistance unit under age 18, including minor parents, must comply with the compulsory school attendance requirement. A child will be considered as meeting this requirement until such time as the local department of social services receives notification that he is truant. A child who is 18 years old meets the school attendance requirement, regardless of actual attendance, as long as he is enrolled and expected to complete high school or an equivalent program as stated in Section 201.2 above.

- A. Definition of Truancy - Truancy is defined as noncompliance with State compulsory school attendance requirements as determined by the local school division.\*\*\*

\* 45 CFR 233.39(B)(ii)

\*\* Code of Virginia, Section 63.2-606

\*\*\* Code of Virginia, Sections 22.1-254 et seq.

Local school boards may set additional rules deemed necessary to carry out the intent of the compulsory attendance laws. Such rules may also be applied by the local school division in identifying children who are truant.

- B. Notification of Truancy - When the local school division determines that a child receiving TANF is truant, it will notify the local department of social services.

School divisions will identify truant TANF recipients using one of the following methods:

1. State Department of Social Services provides all local school divisions with a list of all individuals ages five through 17. This information is e-mailed to a designated contact person in each school division monthly.
2. The local department of social services and local school division may develop an alternate method (local option) for identifying TANF children who are truant, provided the method is mutually acceptable.

Note: If the agency receives notification from a source other than the school, such as the applicant/recipient, the agency must verify truancy through the school.

- C. Notifying the Applicant/Recipient of Truancy - The local department of social services must do the following when notified by the school of truancy:

Notify the caretaker, in writing, of the truancy of a member of the assistance unit. Exception: When the caretaker is a minor parent whose TANF payments are made to a protective payee, the notice must be sent to the protective payee.

The notice must include the following:

1. that the truant recipient is in jeopardy of losing eligibility for TANF benefits;
2. that the caretaker must contact the local department within five working days of the notice to cooperate in developing a plan to achieve compliance with compulsory school attendance laws; and
3. that failure to contact the local department may result in the truant recipient's ineligibility for TANF due to noncooperation.

Note: The "Advance Notice of Proposed Action" form must not be used to meet this notification requirement.

- D. Development of and Cooperation with the Plan - If the caretaker contacts the agency, the agency is to work with him to establish a plan to resolve the child's truancy and to bring him into compliance with school attendance laws.



Each local agency and local school division shall mutually develop a model plan which the agency must follow in developing individual case plans. The model plan shall allow the school and local agency flexibility in fitting the plan to the truant child's situation. The model plan must include the following:

1. a determination of the reason for non-attendance;
2. a time frame for achieving compliance;
3. a schedule of events which the caretaker agrees to complete; and
4. what performance constitutes compliance.

The worker and caretaker, in consultation with the school, shall mutually develop the individual case plan in accordance with the agency model. At the time the plan is developed, the worker must explain to the caretaker that failure to follow the plan will result in removal of the truant child due to noncooperation. The plan must be in writing, with a copy given to the caretaker and a copy filed in the case record. Once implemented, the agency must verify that the caretaker is cooperating with the plan. The truant individual meets the school attendance requirement during this time provided the caretaker continues to cooperate in meeting plan requirements.

The local agency must determine what agency staff will be responsible for establishing individual case plans and for verifying cooperation with the plans. The local agency must monitor individual case plans to assure consistent application of the above guidelines.

E. Failure to Establish or Cooperate with the Plan -

1. If no response is received to the written notice within five working days as specified in Section 201.3 C, the local department must do the following:
  - a. make reasonable efforts to personally contact the applicant/recipient. This may include a direct telephone contact or a face-to-face contact to explain the requirement to develop a plan to return the child to school and the result of not cooperating with the requirement. The case record must be documented as to the agency's attempts to contact the applicant/recipient; and
  - b. if, after reasonable efforts, the local department is unable to make personal contact, the local department must mail an "Advance Notice of Proposed Action" to the caretaker advising him that the truant child will be ineligible for AFDC benefits if the caretaker fails to contact the agency to develop a plan to return the child to school.
2. If the caretaker responds to the written notice specified in Section 201.3 C or to the personal contact, but fails to cooperate in developing or complying with the plan, the agency must take action effective the next month, if administratively possible, to remove the truant recipient from the grant due to noncooperation.

The child's failure or refusal to cooperate with the plan is considered noncooperation by the caretaker, as the caretaker is responsible for the child's actions.

- F. Reinstatement Following Noncooperation in Establishing or Following the Plan - The child's needs are to be reinstated once the agency has verified that the caretaker is again cooperating. If noncooperation occurred in relation to development of the plan, development of the plan must be completed for cooperation to exist. If noncooperation occurred in following the plan once developed, the caretaker must demonstrate her cooperation before the child's needs can be reinstated. The child's needs must be added to the grant effective the month following the month in which cooperation occurs. If the caretaker contacts the agency prior to the actual removal of the child and cooperates in developing the plan, the child's needs will not be removed from the grant.
- G. Truant Applicants - During the application process, if the assistance unit member is truant, the local department must do the following:
1. notify the applicant of the requirements listed in Section 201.3 C;
  2. allow the applicant an opportunity to comply with the school attendance requirement during the 45-day processing period by either enrolling the child or by cooperating with the agency in establishing a plan for compliance; and
  3. notify the applicant of the child's eligibility or ineligibility on the "Notice of Action" form when action is taken on the application.
- H. Notification of Court Conviction and Subsequent Reinstatement - If the agency receives notification that a court has found a member of the assistance unit guilty of a violation of compulsory school attendance laws, the eligibility worker must remove the truant recipient from the grant effective the following month, if administratively possible.
- The child will remain ineligible until the caretaker notifies the local agency, and the agency verifies through the school division, that the child is no longer truant. The child's needs must be added to the grant effective the month following the month in which compliance was achieved.
- I. Children in Job Corps - The Job Corps Program is an alternative education program which meets compulsory school attendance requirements. A child who is in the Job Corps is considered to be in compliance with school attendance requirements without regard to actual attendance records.
- J. Compulsory School Attendance Requirements Applicable to SSI Children - The school attendance requirement applies to an SSI child only when the SSI child is the only eligible child in the assistance unit. In such cases, the eligibility of the case is based upon the child's meeting AFDC eligibility requirements, including school attendance. The requirement does not apply to other SSI children in the home.

If the SSI child who is the only eligible child does not meet the school attendance requirement, the case is ineligible.

Neither severance of parental rights nor adoption is considered to terminate the relationship to biological relatives. Therefore, biological relatives may receive assistance for someone who has been adopted, when there is no other relative by adoption in the home to receive assistance on the individual's behalf. However, this provision does not require individuals who have been adopted to be included in the A.U. of the biological relative and his/her children.

Example 1: Jane Doe had two children who were adopted by Jane's parents. Jane's parents died leaving their adopted children in the care of Jane. Jane is considered a biological relative for TANF purposes and can receive assistance for the two children, however, they are not to be included in the same A.U. as any other children Jane may have since she has no legal responsibility for these children.

Example 2: Mary Smith's child, Michael, was adopted by a family friend. When Michael's adoptive parent died, there was no other relative to care for him. Michael went to live with Mary. Since Mary and Michael are biologically related, she can receive assistance for him. However, Michael is not to be included in the same A.U. as any other children Mary may have.

- B. Living in a Home\* - A home is the family setting maintained or in the process of being established by the specified relative, as evidenced by the presence of the child. A home exists even though the child or relative is temporarily absent from the customary family setting. The relative may be absent for reasons such as hospitalization, education or training, a vacation, or a visit. A parent that is absent from the home due to active duty in the uniformed services is considered living in the home. The child may be absent as long as the absence does not exceed 45 consecutive days, **unless good cause exists**. Additionally, a home may exist in situations where the assistance unit lacks a fixed home address or is otherwise considered homeless.
1. A child that has been, or is expected by the parent to be, absent from the home for a period of 45 consecutive days is ineligible for TANF. **Exception: If the child is absent for longer than 45 consecutive days, the child may retain eligibility if good cause for the absence exists, such as hospitalization of the child. Good cause must be approved by Central Office. To obtain approval, email a written request to the TANF program manager.**
- Note: The child can be eligible in another assistance unit.
2. The caretaker must report to the local agency by the end of the 5th day after it becomes clear to the caretaker that the minor child will be absent from the home for 45 consecutive days.
  3. If the caretaker fails to report the change within the required time frame as described above, the caretaker is ineligible. The caretaker will remain ineligible until the child returns to the home or there is a break in assistance.

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\* Public Law 104-193

- E. The following caretaker/relative other than the parent, who requests assistance is not included when:
1. He is not in need.
  2. He is receiving SSI and/or an Auxiliary Grant.
  3. He is not (1) a U. S. citizen or (2) an eligible alien.\*
  4. His needs are met by a spouse living in the home.
  5. He refuses to cooperate in identifying the parents, establishing paternity, or obtaining support by failing to comply with any of the requirements defined in 201.10. (See 502.7 A.2. regarding how to handle payment in this situation.) This exception applies until compliance with the requirements of cooperation of 201.10 is met.
  6. He transferred property in order to qualify for assistance. (See Section 303.6)
  7. He is ineligible for a specified period of time based on receipt of a lump sum. (See 305.4C)
  8. The caretaker/relative's SSN has not been provided or application for an SSN has not been provided.
  9. He is an alien who has been in the U. S. less than three years and is sponsored by an agency/organization, unless it can be documented that the agency/organization no longer exists or the agency/organization provides a statement that they are financially unable to support the alien.\*\*
  10. He is found to have committed an IPV and is disqualified according to Section 102.3.
  11. His citizenship or alien status has not been declared in writing according to Section 201.7 C.
  12. The caretaker/relative is convicted in state or federal court of fraudulently misrepresenting his address to receive TANF, Medicaid, or Food Stamps in two or more states and it is within ten years of the date the individual was convicted.\*

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\* Personal Responsibility and Work Opportunity Reconciliation Act of 1996

\*\* 45 CFR 233.51

13. The caretaker/relative is convicted in state or federal court of a felony offense for possession, use, or distribution of a controlled substance for conduct occurring after 8/22/96.\*
14. The caretaker/relative failed to report to the local agency by the end of the fifth day after it became clear that the minor child would be absent from the home for 45 consecutive days.\*
15. The caretaker/relative that is fleeing to avoid prosecution or confinement or that is in violation of probation or parole.\*

Note: The spouse of the caretaker/relative cannot be included in the assistance unit as second caretaker.

F. The following individuals for whom assistance is requested on the basis of providing services essential to the child's well-being (EWB) are not included when:

1. He is not providing a service identified in Section 302.5.
2. He is not in need.
3. He is receiving SSI and/or an Auxiliary Grant.
4. He is not (1) a U. S. citizen or (2) an eligible alien.\*
5. The EWB's SSN has not been provided or application has not been made for such SSN.\*\*
6. He is ineligible for a specified period of time based on receipt of a lump sum. (See 305.4 C)
7. He is an alien who has been in the U. S. less than three years and is sponsored by an agency/organization, unless it can be documented that the agency/organization no longer exists or the agency/organization provides a statement that they are financially unable to support the alien.\*\*\*
8. He is eligible for assistance in a federal category.
9. He is found to have committed an IPV and is disqualified according to Section 102.3.
10. His citizenship or alien status has not been declared in writing according to Section 201.7.C.

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\* Personal Responsibility and Work Opportunity Reconciliation Act of 1996

\*\* 45 CFR 205.52

\*\*\* 45 CFR 233.51

11. He is not in compliance with the compulsory school attendance requirement. Refer to Section 201.3.
12. The EWB is convicted in state or federal court of fraudulently misrepresenting his address to receive TANF, Medicaid, or Food Stamps in two or more states and it is within ten years of the date the individual was convicted.\*
13. The EWB is convicted in state or federal court of a felony offense for possession, use, or distribution of a controlled substance for conduct occurring after 8/22/96.\*
14. The EWB is fleeing to avoid prosecution or confinement or is in violation of probation or parole.\*

G. In Emergency Assistance - The assistance unit includes:

1. In cases of natural disaster or fire any member of the child's family living in the home and other nonrelated member of the household.
2. In cases of total loss of earnings, those persons who are living in the home related to the child by birth, marriage, or adoption, provided they meet the citizenship or alienage requirements.

302.7 FORMING THE COMPLEX ASSISTANCE UNIT - The most common type of assistance unit consists of one caretaker-relative and child(ren) living in a household. The following guidelines have been established to aid in determining who shall be included in an assistance unit when the household contains complex family situations:

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\* Personal Responsibility and Work Opportunity Reconciliation Act of 1996

- A. Minor Parent Situations When Living With a Senior Parent(s) - A minor parent is an individual under 18 years of age who is the natural parent of a child(ren). A senior parent is a parent of the minor parent. When assistance is requested for a minor parent and/or the minor's child, the following apply:
1. A minor parent will receive assistance in her own right when her siblings have not applied for nor are receiving assistance as eligible children.
  2. When assistance is requested or being received by the siblings of a minor parent, the senior parent(s), minor parent, and siblings of the minor parent will be included in one unit, including the minor parent's child if assistance is requested for the child.
    - a. Include the minor parent as a caretaker unless her parent is providing care and control for both herself and her child, in which case, she must be included as an eligible child.
    - b. See Section 201.10 and 201.10.C.2 regarding cooperation with DCSE, and Section 901.2 regarding the VIEW exemption criteria for individuals providing care for a child under 18 months of age and individuals under age **18**.
  3. When the senior parent applies for assistance for the minor parent and the grandchild or the grandchild only, and no other siblings of the minor parent are receiving or requesting assistance, the assistance unit will consist of the minor parent and the minor's child. The case must be closed effective the month following the month the minor parent turns 18. (Exception: If the minor parent turns 18 on the first of the month the case must be closed for the birthday month.) The 18 year-old may reapply.
  4. When a minor parent and her child live with only one parent and assistance is requested for all, (no eligible siblings of the minor parent are in the home), apply the following:
    - a. If the minor parent is providing care and control for the child, the assistance unit will consist of the minor parent and her child. The senior parent can only be included as EWB per Section 302.5.
    - b. If the senior parent is providing care and control for the grandchild only, the assistance unit will include the senior parent, the minor parent, and the minor's child. In this situation, the minor parent would be considered a caretaker. The senior parent would also be included as a caretaker.

304.2 TOTAL ALLOWABLE INDIVIDUAL NEED - When it is necessary to determine whether one individual in the TANF assistance unit is in need, the total amount allowed for his needs must be identified. This amount is his pro rata share of the appropriate standard of assistance for the assistance unit. The same procedure is used to determine whether or not a caretaker-relative other than the parent or an essential (EWB) person living in the home is in need and eligible for inclusion in the assistance unit. **Once the caretaker-relative other than the parent is included in the assistance unit, he may volunteer to participate in VIEW and continue to be eligible for TANF if countable income is less than the current poverty level for one person.**

When an individual is removed from the assistance unit, the **grant** is recomputed on the basis of the standard of assistance specified for the number of persons remaining in the unit.

304.3 MEDICAL EXAMS FOR TANF RECIPIENTS - Medical exams necessary to determine exemption status for VIEW or assess a VIEW participant's abilities, that are not covered by Medicaid, are paid from VIEW funds.

The worker and client must discuss which doctor should complete the medical evaluation. The final decision should be made by the recipient. The agency will pay for only one medical exam.



that no part of an SSI or Auxiliary Grant payment or any income of a recipient of either program can be counted in determining the amount of an TANF payment, even though the applicant/recipient is the spouse of the needy caretaker or the parent of the eligible children.\* When living together, the income of a minor caretaker's parent(s) will be deemed available to the minor caretaker's assistance unit until the minor care-taker reaches the age of 18, regardless as to whether the minor caretaker is excluded from the assistance unit, due to SSI receipt, or for any other reason.\*\*

- B. Benefits such as, but not limited to, RR Retirement, private corporation retirement, unemployment compensation benefits, Veterans or Social Security benefits, including reduced benefits, to which a member of the assistance unit is clearly entitled are available and must be counted even though the individual chooses not to accept such benefits (Section 305.4 B.1). However, individuals eligible for assistance under either the SSI or TANF program have the right to elect the program in which they wish to participate. Individuals applying for or receiving assistance through TANF cannot be mandated to apply for SSI. The applicant/recipient should be advised of this option.\*\*\*
- C. **The gross amount of income or benefits must be counted even though all or a portion of the payment has been withheld by court order, i.e., a garnishment or court-ordered child support. Benefits from which child support can be withheld include, but are not limited to, Social Security benefits, Veterans' benefits, Unemployment benefits, and Workers' Compensation benefits. Supplemental Security Income (SSI) and public assistance benefits are exempt from garnishment under federal and state law.**

The agency has a responsibility to explore potential resources and assist the applicant/recipient in developing them to a state of availability whenever possible.\*\*\*\*

It is the responsibility of the recipient to report to the agency any change or anticipated change in income within 10 calendar days from the date the change becomes known to the assistance unit. Changes required to be reported by the applicant, which occur after the face-to-face interview but before the date of the Notice of Action to approve the case, must be reported by the assistance unit within 10 days of the date of the notice.

There are some differences in the provisions for counting earned and unearned income. Therefore, when income is from property, the eligibility case record must clearly indicate the basis for determining whether it is earned or unearned income, that is, whether the individual produces it by his own efforts or is actively engaged in management. For example, income from room and board is considered earned income only when the individual is engaged in a commercial enterprise for profit. Regardless of whether the income is earned or unearned, it is the profit which is considered the gross income.

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\* Social Security Act, Section 402(a)(24)

\*\* 45 CFR 233.20(a)(3)(xviii)

\*\*\* Social Security Act, Section 402(a)(24)

\*\*\*\* 45 CFR 233.20(a)(3)(ix)

305.3 EARNED INCOME - Earned income is defined as income earned by an individual through the receipt of wages, salary, and/or commissions, or through profit from activities in which he is engaged as a self-employed individual.\* Earned income includes pay for jury duty, severance pay, vacation pay, and sick pay from the employer or employer obtained insurance.

Self-employment is defined as a business, farming or commercial enterprise in which the individual receives income earned by his own efforts, including his active engagement in management of property. Income from property when the individual is not actively engaged or when no managerial responsibilities are involved is not considered earned income.\*\* In addition, for TANF purposes, self-employment situations include, but are not limited to, domestic workers, day care providers including babysitters, and chore and companion service providers.

Contract earnings are defined as wages guaranteed by a contract. This does not include work on an hourly or piecework basis or self-employment. A guaranteed wage is one which is received by an individual employed on a contractual basis and paid over a period of time. Earnings of this nature will be prorated according to 305.1.B.2.a.4).

When income is received from property, the eligibility case record must clearly indicate the basis for determining whether or not the individual produces it by his own efforts or whether or not he is actively engaged in management.

A. Definition of Gross Earnings or Profit

1. Gross earned income from wages, salary or commissions means the total amount of pay, irrespective of deductions, withholding or work expenses.\*\* It is not the "take home" pay. Exception: Money advanced from an employer prior to the regular pay date must be counted as part of the gross income in the month of receipt. Any amount withheld to repay an advance in salary received prior to the budget month shall be deducted from gross earnings or profit for the budget month in which it is withheld.
2. Profit from self-employment means the total income received, less the business expenses directly related to producing the goods or services and without which the goods or services could not be produced.\*\*\* However, business expenses do not include:
  - a) payments on the principal of the purchase price of, and loans for, capital assets, such as real property, equipment, machinery and other goods of a durable nature;
  - b) the principal and interest on loans for capital improvement of real property;

\* 45 CFR 233.20(a)(6)(iii) and (iv)

\*\* 45 CFR 233.20(a)(3)(iii)

\*\*\* 45 CFR 233.20(a)(6)(v)

agreement between the client and the responsible person, must be counted as income to the assistance unit. The \$50 disregard is not applicable to third party payments.

- d. If it is anticipated that an amount less than \$50 will not be collected by DCSE after case approval, disregard an amount from the support collected prior to case approval to ensure that a total amount of no more than \$50 is disregarded in the initial month of eligibility.
3. Putative fathers outside the home- In cases involving absent putative fathers, cash contributions are counted as income in the amount received, minus the first \$50 each month, in establishing initial and continuing eligibility until such time as the contribution is redirected to the State. Note: If a notarized statement of paternity, a copy of an

Exceptions: The needs of an individual(s) who is not in the assistance unit due to an IPV sanction, failure to comply with SSN requirements, or failure to cooperate with DCSE will not be allowed.

If the stepparent has not previously filed a return or states that he will claim a different number of dependents for the current year, use the number of dependents he intends to claim for the current year.

Verify by statement from the stepparent.

- 3) Support, including wage assignments paid to individuals not living in the home who are claimed or could be claimed as dependents on the stepparent's federal income tax return.

If the stepparent has not previously filed a return or states that he will claim a different number of dependents for the current year, use the number of dependents he intends to claim for the current year.

Verify by statement from the stepparent.

- 4) Payments for alimony and child support, including wage assignments to individuals not claimed on the stepparent's federal income tax return and not living in the household.

Verify by statement from the stepparent.

Failure of the customer to verify the income of the stepparent will result in ineligibility of the case.

The amount remaining after the above deductions must be compared to the standard of assistance for the assistance unit. If the stepparent's income is less than the standard of assistance for the number of persons in the assistance unit, the parent's needs are included on the grant, and no stepparent income is deemed available. Only the income of the parent and child(ren) is to be considered in determining the grant amount. (Step 2 is not applicable in this instance.)

If the remaining amount equals or exceeds the standard of assistance for the number of persons in the assistance unit, the parent is not included in the assistance unit, and the child(ren)'s eligibility must be determined according to step 2.

Step 2 - Eligibility Determination For the Children When the Parent's Needs Must Be Excluded From the Grant - Determine the child(ren)'s eligibility and grant amount by counting the parent's income, the child(ren)'s income, and that portion of the stepparent's gross income in excess of 150% of the poverty level for two persons (the parent and stepparent), which is **\$1,515**. The latter is a standard amount and must be used in all cases regardless of the actual number

2. To determine the 3 children's eligibility, and, if eligible, the grant amount:

Stepparent's (Mr. P.'s) income	\$1,530.00
150% of poverty guidelines for 2 (monthly)	<u>-1,515.00</u>
Amount <u>greater than</u> 150% poverty guidelines	\$ 15.00
Standard of assistance for 3-person AU	\$ 320.00
Less countable income (\$15.00 - amount of Mr. P.'s income which exceeds 150% of poverty guidelines; \$50 - Ms. P.'s unearned income; \$150 - the children's unearned income)	<u>- 215.00</u>
Grant amount	\$ 105.00

EXAMPLE #2:

Ms. J., who has been receiving TANF on behalf of herself and her 2 children reports that she remarried over the weekend. Ms. J. receives unearned income in the amount of \$100 per month. Her husband, Mr. J. is employed, with earnings in the amount of \$800 per month. Mr. J. has 3 children who live with his former wife, for whom he pays support in the amount of \$400 per month.

1. To determine Ms. J.'s eligibility to be included in the AU:

Mr. J.'s income	\$ 800.00
Less \$90 disregard	<u>- 90.00</u>
	\$ 710.00
Less standard of need for 1 (group II)	<u>- 174.00</u>
	\$ 536.00
Less support paid by Mr. J. to non-household dependents	<u>- 400.00</u>
Income deemed available to Ms. J.	\$ 136.00
Standard of assistance for 3-person AU	\$ 320.00

Since the portion of Mr. J.'s income which is deemed available to Ms. J. is less than the standard of assistance for 3 persons, she is eligible to be included in the AU.  
Proceed to grant calculation, since Ms. J. is eligible.

2. To determine the grant amount:

Standard of assistance for 3-person AU	\$ 320.00
Less countable income (Ms. J.'s income)	<u>- 100.00</u>
Grant amount	\$ 220.00

EXAMPLE #3:

Ms. L. is applying for TANF for herself and her 2 children. Ms. L. works 10 hours per week, and earns \$50 weekly. Her husband, Mr. L. (not the children's father) is employed and earns \$2,000 per month. Mr. L. has 1 child, who lives in the household, also.

1. To determine Ms. L.'s eligibility to be included in the AU:

Mr. L.'s income	\$2,000.00
Less \$90 disregard	<u>- 90.00</u>
	\$1,910.00
Less Standard of need for 2 (group II) to include Mr. L. and his child	<u>- 257.00</u>
Income deemed available to Ms. L.	\$1,653.00
Standard of assistance for 3-person AU	\$ 320.00

Since the portion of Mr. L.'s income which is deemed available to Ms. L. exceeds the standard of assistance for 3 persons, she is ineligible to be included in the AU.

2. To determine the 2 children's eligibility, and if eligible, the grant amount:

Stepparent's (Mr. L.'s) income	\$2,000.00
150% of poverty guidelines for 2 (monthly)	<u>-1,515.00</u>
Amount <u>exceeding</u> 150% of poverty guidelines	<b>\$ 485.00</b>
Standard of assistance for 2-person AU	\$ 254.00

Therefore, the 2 children are ineligible for TANF, since Mr. L.'s income, in excess of 150% of poverty guidelines, exceeds the standard of assistance for an AU of 2.

2. Deeming Income in Minor Caretaker and Ineligible Alien Cases - Income must also be deemed to an assistance unit in the following situations. Applicable policies and procedures are explained below.

- a. Minor Caretaker Living with Senior Parent(s) - When living together, the income of a senior parent(s) is to be deemed available to the minor caretaker's assistance unit.\* The senior parent's income must be considered available to the eligible child(ren) by applying the deeming procedure in Section 305.4.F.2.c. below. A stepparent's income is not deemed available to a minor caretaker's assistance unit.

When the minor caretaker is an SSI recipient, and lives in the home of his/her parent, the income of the senior parent(s) is deemed available to the minor caretaker's TANF assistance unit. If eligibility for TANF exists, the Social Security Office must be informed that the income is being counted for TANF purposes. The EW must document the case record to show that the Social Security office has been advised that the minor caretaker's parent's income is being counted for TANF purposes.\*

- b. Ineligible Alien Parent - If a parent living in the home with the eligible TANF child is an alien and is ineligible for assistance for

\* 45 CFR 233.20(a)(3)(xviii)

The pro rata share of non-TANF and SSI individuals is not to be counted.\* Note: Payments made through the Virginia Energy Assistance Program administered by local departments of social services are not considered home energy assistance and are disregarded per Section 305.4.A.16.

4. Public Assistance Benefits Received From Another State - It is possible for individuals who move from another state to Virginia to receive assistance from both states in the same month. However, the assistance paid by the state of prior residence must be considered in determining eligibility and benefit amount in Virginia. The amount of assistance received by the assistance unit from the former state is to be treated as unearned income in the month received.

Example 1: An applicant applies in Virginia on August 30 and receives a grant from Pennsylvania for \$100 in September which covers the period of the last week of August and the first week of September. If the assistance unit is eligible for assistance in September and the S0A is \$320, the \$100 of unearned income is subtracted from \$320, for a grant of \$220.

Example 2: A Group II locality receives an application on September 2 requesting assistance for a parent and two children. The family received a TANF grant from another state on September 1 for \$100 covering the period September 1-15, and the case is terminated in the former state effective September 15. The agency determines eligibility on September 10 (date of authorization). The first payment is calculated as follows:

\$320 - \$100	= \$220	- monthly deficit
\$220/30	= \$7.33	- daily rate
\$7.33 x 21 days	= \$153.93	- prorated deficit
\$153 grant		(rounded down)

5. Royalties are considered unearned income.
6. Interest earned on cash assets, such as a bank account or certificate of deposit, is considered unearned income in the month received (available) and a resource thereafter, unless anticipated to be received less often i.e., quarterly, annually, etc, in which case it may be prorated over the period earned if requested by the applicant/recipient. Policy in Section 305.1. B.2 is applicable in determining if the income is "reasonably certain" to be received and, if so, the methods available to use to calculate the anticipated amount. Exception: Interest accrued on exempted VIDA funds is not countable income.

- H. Benefits and Services Received in Lieu of Income** - When an applicant or recipient appears to be working but is not paid directly, the worker must determine whether there is an identifiable amount that must be considered as income. Such arrangements must be evaluated using the following guidance:

If the client performs services but receives no pay directly, and there is an identifiable amount of income that could be paid directly to the client, count the identifiable amount as income.

If the client performs services but is not paid directly, and there is no identifiable amount of income that could be paid to the client, no income is counted.

Examples:

1. Situation #1: An applicant/recipient works for an employer and, in lieu of wages paid directly to the applicant/recipient, the employer pays an expense on behalf of the applicant/recipient. In this situation, there is an identifiable wage and even though it is not paid to the client it must be counted as earned income.
2. Situation #2: The applicant/recipient barter for services. There is an exchange of services for which no income should be counted. For example, an applicant or recipient receives shelter at no cost in exchange for babysitting and housekeeping services.

**305.5 INCOME OF EXCLUDED CHILDREN REQUIRED TO BE IN THE ASSISTANCE UNIT** - When a child is excluded from the assistance unit due to lack of verification of categorical requirements for the child (See 201.1.A.), or when such child fails or refuses to meet conditions of eligibility (See 201.1.B), that child's needs will not be included in the assistance unit. The earned and unearned income of that child, however, will be considered available to the assistance unit. The earned income disregards are applicable per Section 305.3.B. If the child's income cannot be verified, eligibility for the assistance unit cannot be established. (Refer to Section 305.1.E.3.)

If the child has been determined categorically ineligible to be in the assistance unit, no part of his income will be considered available to the assistance unit, unless it is actually made available to the unit. (See 201.12.A and D for treatment of income and resources of the child subject to the family cap provision.)



503.1 DEFINITION OF IMPROPER PAYMENT - A **TANF** payment made by a local department is improper when the payment is incorrect because: (1) the assistance unit does not meet eligibility requirements in the category (payment to an ineligible case); or (2) payment is in an amount greater than the amount to which the assistance unit is entitled under established policy (overpayment); or (3) payment is in an amount less than the amount to which the assistance unit is entitled under established policy (underpayment); **or (4) a VIEW participant receives a payment or purchase on his behalf which is in an amount greater than what he is eligible for or for which he is ineligible as a result of the client withholding or providing false information.\***

Improper payments may occur as a result of overdue reviews or other agency errors or because of erroneous or incomplete information supplied by the client. Improper payments may be revealed by several sources, not necessarily limited to the following: Local Agency Reviews, Quality Control Reviews, Federal Program Reviews, Fair Hearings, or earnings reports furnished by the Virginia Employment Commission.

503.2 STATUTORY PROVISIONS FOR REFUND OF OVERPAYMENTS AND PAYMENTS TO INELIGIBLES - In the operation of any program of public assistance in any locality, for which program appropriations are made to the Department of Social Services, it is provided that if a payment or overpayment is made to an individual who is ineligible therefore under federal and/or State statutes and regulations, the amount of such payment or overpayment shall be returned to the Department of Social Services by the locality. However, no such repayments may be required of the locality if the Department determines that such overpayment or payments to ineligibles resulted from the promulgation of vague or conflicting regulations by the Department's Central or Regional Offices or from the failure of either of the offices to make timely distribution to the localities of the statutes, rules, regulations, and policy decisions causing the overpayment or payments to ineligibles to be made by the locality. Further, no such repayment will be required from situations where a locality exercised due diligence, yet received incomplete or incorrect information which caused the overpayment or payment to ineligible(s). If a locality fails to effect the return, the Department of Social Services shall withhold an equal amount from the next disbursement made by the Department to the locality.\*\*

The criteria used for determining if a locality exercised due diligence are as follows:

- A. A redetermination was not outstanding (overdue) in the case in question unless:
  - 1. The agency has received permission from the State to suspend reviews, or
  - 2. It can be shown that the error was the result of the client willfully withholding information which would not have been discovered by verifications required at the time of the review, or
  - 3. The error had not occurred at the time of the scheduled review.

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\* 2002 Acts of Assembly, Item 362

\*\* Acts of Assembly, Appropriations, Budget Bill

- B. The error was not the result of an anticipated change that was overlooked.
- C. The error was not the result of the client reporting a change that the agency failed to follow-up on.
- D. The error was not the result of failure to use available management tools.
- E. The case record must be thoroughly documented regarding efforts to obtain information.

503.3 PERIOD SUBJECT TO REPAYMENT Overpayments and payments to ineligible which shall be repaid to the State will be assessed for each month (effective April 1, 1973) in which the recipient fails to report earned or unearned income from a new source or other changes, such as resources, composition of the assistance unit, etc.; for each month the agency failed to take appropriate action within the time limit specified on a change reported by the recipient; or for any incorrect payment which is identified by Quality Control.

503.4 COMPUTATION OF REPAYMENT Standards and policies which are in effect at the time of the improper payment shall be used in determining the amount of repayment to be made. A standard and/or a policy is considered in effect in relation to a specific case after the date when (1) a standard or policy has become effective by State Board action in all cases or (2) a standard or policy has become effective in new and reviewed cases and the particular case is (a) a new case, (b) a case in which a review is due or (c) a case in which a change in circumstances has necessitated a partial review. Exception: Recoupment/recovery policy in effect at the time of discovery of the overpayment(s) is to be used in determining the amount to be repaid.

When an overpayment to an ineligible has been identified by the state or federal agency, a report is submitted promptly to the local department. Ten (10) working days, from the date the report was sent to the locality, is allowed for the agency to concur or register its exception to the findings with the regional office utilizing the concurrence memo. The regional office will provide an opportunity for resolution of the differences and render decisions within thirty (30) working days. The resulting decision is subject to appeal to central office. However, only appeals in which the final decision was not made in accordance with established policy will be accepted.

503.5 - REPAYMENT PROCEDURES - The local department must notify the Division of Finance of the **TANF/VIEW** overpayment by entering the overpayment information into **Application Benefit Delivery Automation Project (ADAPT)**.

If the overpayment was caused by agency error, it must be entered into both **ADAPT** and the **Locality Automated System for Expenditure Reimbursement (LASER)**. The Division of Finance will deduct the amount from the next reimbursement made to the locality.

503.6 - WAIVER OF CERTAIN OVERPAYMENTS - Federal regulations allow certain overpayments to individuals no longer receiving assistance to be waived (**temporary delay**).\*

- A. Overpayment Less than \$35 - All overpayments to individuals no longer receiving assistance which are less than \$35 are to be waived after the local agency has: 1) notified the individual, or attempted to notify the individual if his/her whereabouts are unknown, in writing, that an overpayment has occurred which must be repaid; and 2) the individual fails to respond or refuses to cooperate with the request for repayment. No further action to recover the overpayment is to be taken. The case record must be documented. (NOTE: The agency must allow at least 10 days from date of mailing for the individual to respond to the request for repayment prior to waiving recovery of the overpayment.)
- B. Overpayments of \$35, or More - In situations where the outstanding overpayment **of TANF/VIEW** to an individual no longer receiving assistance is \$35, or more, the local agency may waive collection of the overpayment after reasonable efforts to recover the overpayment have been taken and it is determined that further efforts would not be cost-effective. The agency must notify the individual that an overpayment has occurred, which must be repaid, by sending a letter requesting repayment to the individual's last known address. In order to demonstrate reasonable efforts, the agency must take the actions listed below. The actions must be taken in the following order; however, the agency may evaluate whether further efforts would be cost-effective after any one of the actions to collect the overpayment is unsuccessful.
  - 1. Attempt to locate the individual. If the individual's present whereabouts are unknown and attempts to locate the individual has been unsuccessful, the case record must contain documentation of attempts made to locate the individual, **such as mail returned to the local agency**;
  - 2. Determine that the former recipient has no means with which to repay the overpayment. The case record must contain documentation of evidence used by the agency to determine the individual has no income or cash reserves;

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\*45 CFR 233.20(a)(13)(vi)

3. Discuss methods of repayment with the individual. If the individual refuses to cooperate, secure a written statement from the individual that he refuses to repay the overpayment.

Once reasonable efforts to collect the overpayment have proven to be unsuccessful, the agency must document the case record with evidence that further recovery efforts would equal or exceed the amount of the overpayment. Such evidence may include the cost of staff time, the cost of legal/attorney fees, or any other evidence the agency has which demonstrates that further recovery efforts would not be cost-effective. The agency head, or his designee, will make the final determination as to whether further efforts would be cost-effective.

- C. Retention of Information - The agency must maintain information on individuals no longer receiving assistance who received an overpayment which was waived, including overpayments less than \$35. **The agency** must initiate recoupment procedures should one or more of those individuals again be found eligible to receive assistance.
- D. Intentional Program Violation (IPV) - In situations involving a **TANF/VIEW** IPV, the agency must make every effort to collect the overpayment regardless of the amount; the overpayment may not be waived. See Section 102 for policy on handling Intentional Program Violations (IPV).

503.7 - Calculating Overpayments - There are several factors which must be considered when calculating overpayments (IPV and non-IPV).

- A. Determination of Continued Eligibility - When any change in circumstances which caused an overpayment is still in effect at the time of discovery, the agency must first prospectively determine the client's continued eligibility.
- B. Determination of When the Overpayment Began - The worker is to determine when the overpayment began and secure all verifications necessary to calculate the overpayment. The overpayment began in the month the change occurred if the source of the overpayment is:
  - 1) resources the unit was or should have been aware of,
  - 2) SSN or application for a SSN for a newborn
  - 3) the receipt of a lump sum which did not meet the reported timely requirement or when combined with other income is less than 100% of need,
  - 4) participation in a strike,
  - 5) funds withdrawn from a savings account that has been designated for the purpose of education, downpayment on a primary residence, or the establishment of a business. (See 303.2H),

If the overpayment is the result of any other factor, excluding the receipt of a lump sum which met the reported timely requirement or was equal to or more than 100% of need, the overpayment began the month following the month the change occurred.

Example 1: In June the worker discovers that a child left the home in February. The overpayment amount is the difference between the grant received each month and the correct grant for the actual number of eligible members living in the household.

Example 2: In June 1993, a recipient is found to be joint owner of a certificate of deposit (CD) purchased in September 1992 by her grandfather, a non-unit member. The CD is valued in excess of the TANF resource limit. The recipient provides evidence that she was unaware of her joint ownership of the CD until her grandfather told her of its existence in March 1993.

In this situation the CD is considered unavailable for the months the recipient was able to demonstrate that she had no knowledge of the resource. From March 1993 forward, the resource is considered available to the assistance unit and must be counted in calculating overpayments.

- G. Overpayments Resulting from Incorrect Composition of the Assistance Unit - When it is discovered that an individual required to be in the assistance unit is living in the home, it must be determined if an overpayment occurred. This determination is to be made as follows:

1. Redetermine eligibility for each month beginning with the month following the month the individual entered the home or was required to be in the assistance unit, including the individual's needs, actual income, and resources. Any resulting overpayments must be recouped/recovered.
2. If during the period in which the individual was required to be in the unit he had no income or his needs exceeded his income, an underpayment has occurred only for the months in which all categorical requirements were met and the conditions of eligibility are retroactively deemed to be met per Section 401.2.B.2.c. (See Section 503.9.)

- H. Total support collected by DCSE, as identified on the Notification Report, must be deducted from TANF overpayments.

Example: A \$254 TANF payment made for the month of April was a totally ineligible payment. Total support collected by DCSE in April was \$100; therefore the April overpayment is \$154.

- I. In localities meeting the standard of need, only the standard of assistance State/federal share of the TANF overpayment is to be reported to Financial Management. Each locality is then responsible for recovery of the local share of the overpayment directly from the client.
- J. Calculating a VIEW Overpayment - A VIEW overpayment occurs when a VIEW participant receives a payment or purchase on his behalf which is an amount greater than what he is eligible for or for which he is ineligible as a result of the client withholding or providing false information.

The worker must determine if the participant is still eligible for services and determine the correct cost of the services that the participant would continue to receive.

**Example:** The agency gives the client a \$50 voucher for work clothing. The client changes the amount to \$500 and the vendor honors the voucher. There is an overpayment of \$450.

Determination of When the Overpayment Began - The agency is to determine when the overpayment began and secure all verifications necessary to calculate the overpayment. The worker is to use the best available evidence including, but not limited to:

1. past and existing vouchers from vendors that were paid in the period that the overpayment occurred,
2. the history of payments for supportive or transitional services that were paid for by the local agency in the period that the overpayment occurred and,
3. the amount calculated starting 10 days from when the client had knowledge of the information.

When calculating the overpayment amount the worker is not to include any amounts that the individual paid toward services that were provided in the period the VIEW overpayment occurred.

503.8 RECOUPMENT AND RECOVERY OF OVERPAYMENTS - State Board policy, adopted in accordance with federal regulations,\* requires the local department to promptly recoup or recover any overpayments including overpayments resulting from assistance paid pending hearing decisions. Repayment by either a former or current recipient of the overpayment can occur through recoupment or recovery or both. The agency should discuss voluntary repayment with the client prior to initiating a recoupment.

A. Recoupment consists of withholding all or part of the assistance payment. An overpayment made to a current recipient must be recouped by reducing the amount of any future assistance payable to any assistance unit of which the individual is a member.

1. In situations where the client has no cash reserve or countable income (payment equals the Standard of Assistance for the AU), 10% of the assistance payment may be recouped until the overpayment has been repaid.

Example: Grant of \$320.00. Recoup 10%. New grant \$288.00.

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\* 45 CFR 233.20(a)(13)(i)

2. In situations where the client has earned income, unearned income, cash reserves, or any combination thereof, in addition to his assistance payment, part or all of the assistance payment may be recouped as long as the assistance unit retains at least 90 percent of the standard of assistance when the total gross income, the amount of the current grant, and any cash reserve is considered.
  - a. Determine the amount of the overpayment.
  - b. Combine all gross income (no earned income disregards apply), the current grant, and cash reserves (savings, etc.).
  - c. Determine what 90% of the standard of assistance for a family of equal size in the same locality would be. This represents the amount of money the client must have available to live on.
  - d. The difference in Step b. and c. represents the client's ability to repay the overpayment.

The monthly assistance payment will be reduced according to (1) and (2) above until such time as the overpayment has been repaid. If, however, income and/or cash reserves have been counted in establishing the client's ability to repay, recovery of the overpayment may also be accomplished through voluntary repayment. This option is to be offered to the client prior to initiating a recoupment.

If recoupment reduces the grant to zero, the case will be retained as TANF eligible with no money payment.

- B. Recovery consists of making arrangements with a former or current recipient for voluntary repayment of all or a portion of the overpayment even though the client may no longer be eligible for assistance. If a former recipient fails to make the voluntary repayment, the agency must initiate action under Section 63.1-127.2, Code of Virginia, to collect the amount as a debt. Failure or refusal of a current recipient to voluntarily repay the overpayment will result in court action only when recoupment is not possible and, thus, precludes prompt correction of overpayments as described in 503.7D, i.e., no grant from which to recoup due to a deficit of less than \$9.50.
- C. RESPONSIBILITY FOR OVERPAYMENTS - The allowable amount of recoupment or recovery of the overpayment from the client is limited to the total amount of the overpayments.
  1. **When TANF benefits are overpaid**, the caretaker-relative of the assistance unit at the time the overpayment occurred shall be primarily responsible for repayment of the overpayment. If that particular caretaker-relative is not available, and his whereabouts are unknown, then the overpayment is to be recovered from the remaining members of the assistance unit.

The agency shall recoup or recover any overpayment from:

- a. The assistance unit which was overpaid.
  - b. Any assistance unit of which a member of the overpaid assistance unit has subsequently become a member.
2. When the overpayment is the result of intentional erroneous receipt of VIEW supportive or transitional services, only the VIEW participant is responsible for repayment. Other members of the assistance unit at the time of the overpayment are not liable for repayment of a VIEW overpayment.

The agency will only require payback from VIEW when there is a definable cost.



Outstanding overpayments must be recovered or recouped when a former recipient reapplies for assistance and is found eligible. The schedule of repayment is to be based on the current situation of the client.

D. **PROMPT CORRECTION OF OVERPAYMENTS** - An overpayment must be recouped or recovered as soon as administratively feasible. One of the following actions must have occurred by the end of the calendar quarter following the quarter in which the overpayment was first identified.

1. Repayment must have already been accomplished.
2. Action to locate and/or recover from a former recipient must have been initiated.
3. Repayment from current recipient occurring either through recoupment or voluntary repayment.

If instances occur where none of the three actions have been taken by the time stated above, the overpayment must still be recouped or recovered.

If prosecution for an IPV occurs, then the amount of court ordered restitution will be the amount of the overpayment to be recovered from that case.

E. **DETERMINING INTENTIONAL PROGRAM VIOLATIONS (IPV)** - A client error may or may not be an IPV, which exists when there is evidence clearly establishing that the recipient willfully withheld information or gave false information affecting his eligibility or the amount of assistance. (See Section 102 for further procedures.)

F. **REPORTING OVERPAYMENTS** - In instances where the assistance payment is reduced or suspended to recoup an overpayment previously repaid to the State Department of Social Services, or cash amounts are received as recovery of money previously repaid to the Department of Social Services from local funds, an adjustment must be reported on **LASER** in order that the locality can recover local funds paid to the State. The amount of the deduction made from the current payment, the amount of the suspended grant, or the cash amount received as recovery should be shown as an addition to expenditures in **LASER**.

G. **RETENTION OF OVERPAYMENT RECORDS** - All overpayment records must be maintained for three years after the claim is satisfied.

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\* 45 CFR 233.20(a)(13)(ii)

503.9 CORRECTION OF PRIOR UNDERPAYMENTS - Federal regulations require that, if a State Plan provides for recoupment/recovery of overpayments from the client, it must also provide for prompt correction of prior underpayments to current recipients and those who would be current recipients if the error causing the underpayment had not occurred.\* Therefore, the agency is to correct any underpayment to any person who is currently in need, regardless of whether they are current recipients. (See 305.1.D.2.C.) The local agency shall notify a case not currently receiving assistance, in writing, of requirement to demonstrate their current need (that they would currently be eligible for **TANF** if they

The Virginia Initiative for Employment not Welfare Program (VIEW) is a program of employment opportunities to assist individuals in attaining the goal of self-sufficiency.\*

The program goals are to offer Virginians living in poverty the opportunity to:

- \* To achieve economic independence by removing barriers and disincentives to work and by providing positive incentives to work;
- \* To provide work skills necessary for self-sufficiency;
- \* To allow families living in poverty to contribute materially to their own self-sufficiency;
- \* To set out the responsibilities of and expectations for recipients of public assistance;
- \* To obtain work experience through the Virginia Initiative for Employment Not Welfare (VIEW).

NOTE: All policy in this manual also applies to VIEW participants except for the specific differences indicated below.

901.1 PARTICIPATION - As a condition of eligibility, each recipient of TANF and TANF-UP must participate, as required in VIEW, unless otherwise exempt.

The eligibility worker in the local agency must determine which applicants and recipients are not required (exempt) to participate and which are required to participate (non-exempt). The eligibility worker will refer to the VIEW Program a non-exempt individual at the time of application approval or when an individual's VIEW status changes. Any previous or existing registrations or participation under another category of assistance no longer apply.

NOTE: JOINT TANF AND FOOD STAMP APPLICATIONS: In situations requiring joint processing of TANF and Food Stamp applications, the work registration form or affidavit, whichever is appropriate, is to be used for food stamp purposes in the event that the TANF application is denied. (Refer to Volume V, Part VIII, A. of the Food Stamps Certification Manual.)

901.2 EXEMPTION CRITERIA - An applicant/recipient of TANF or TANF-UP must participate in the VIEW Program unless the individual meets one of the following exemption criteria:

- A. Any individual, including minor caretakers under **18** years of age.
- B. Individuals at least **18**, but no more than 19 years of age, who are enrolled full-time in elementary or secondary school, including vocational or technical school programs. The vocational or technical school must be equivalent to secondary school.

- C. Individuals unable to participate because of a temporary medical condition that prevents entry into any level of employment or training, as determined by a physician. (The Virginia Code Section 8.01-581.1 defines physician as "a person licensed to practice medicine or osteopathy in this Commonwealth..." This definition of physician applies in exemptions F and H below also.) The individual must provide the local agency a written statement from the physician to specify that he is incapacitated, the nature and scope of the incapacity, including abilities and limitations of the individual, and the duration of the incapacity. (The Medical Evaluation Form (032-03-378) is to be used for this purpose).

If the physician indicates that the individual is able to participate in employment or training, but is limited in the types of activities that can be performed, the eligibility worker must refer the individual for participation in VIEW. The employment services worker must work with the individual to find suitable work activities, taking into account any limitations indicated by the physician.

If the individual is unable to participate because of a temporary medical condition that prevents entry into any level of employment or training, the eligibility worker must reevaluate the exempt individual's incapacity at the time prescribed by the medical statement.

If there are two parents in the assistance unit and one parent meets this exemption, the case is a TANF case rather than a TANF-UP case.

- D. Individuals who are incapacitated, as determined by receipt of Social Security Disability benefits or Supplemental Security Income. The eligibility worker must refer persons with a permanent incapacity to vocational rehabilitation using the Referral to Rehabilitative Services form (032-03-302). Only one referral is necessary and no follow-up is required. This exemption cannot be granted to either parent in a TANF-UP case. If there are two parents in the assistance unit and one parent meets this exemption, the case is a TANF case rather than a TANF-UP case.
- E. Any individual 60 years of age or older.
- F. An individual (1) who is the sole caregiver of another member of the household (not necessarily a member of the assistance unit) who is incapacitated as determined by receipt of Social Security Disability benefits or Supplemental Security Income, or as verified by a written medical statement from a physician, and (2) whose presence is essential for the care of the other member on a substantially continuous basis. A physician must provide a medical statement that the injury or illness of another member of the household requires the individual's presence in the home on a substantially continuous basis.

- G. A parent or caretaker/relative of a child under eighteen months of age who personally provides the care for a child.

In a double caretaker assistance unit in which one parent is incapacitated, the eligibility worker must refer the other caretaker for participation unless he can provide a written doctor's statement indicating that the incapacitated caretaker is unable to care for the child under eighteen months.

When the minor parent and her child are included in the same unit with the minor's parent, only one of these individuals can receive this exemption on the basis of caring for the minor's child. The individual who is actually providing care will be exempt.

NOTE: A parent who gives birth to a child subject to the family cap provision (refer to Section 201.12) may be granted a temporary exemption of not more than six weeks after the birth of the child.

- H. A female who is in her fourth through ninth month of pregnancy as evidenced by a written medical statement provided by a physician, a registered nurse who is the physician's designee, or a licensed nurse practitioner.\*
- I. A child receiving Title IV-E Foster Care.
- J. Any member of an assistance unit where the primary caretakers of a child or children are grandparents, foster parents or other relatives of specified degree who are not the adoptive or biological parents of the child.

NOTE: Unlike the Employment Services Program where a person whose needs were removed from the grant is not required to participate, in the VIEW Program a parent whose needs are removed from the grant must participate, unless otherwise exempt. Reasons why the parent's needs have been removed from the grant include, but are not limited to, noncooperation with DCSE, disqualification for IPV violation, convicted drug felon, or failure to provide a Social Security Number. In addition, a parent whose needs are not included in the grant due to the stepparent deeming requirements, 305.4.F., or due to the sponsored alien deeming requirements, 305.4.D., must participate in VIEW, unless otherwise exempt. A parent who does not meet TANF categorical requirements (e.g., - parent is an SSI recipient **or a parent who is a convicted offender serving his sentence while still living in the home**) is not required to participate in VIEW.

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\* Code of Virginia, §63.2-609

**TANF-UP** - In a TANF-UP case, both parents must be referred for participation, unless one meets an exemption; only one parent can be exempt. If both parents meet an exemption criterion, **they must decide who will be referred for participation. If the household's situation changes and the recipients wish to change the VIEW participant, they may do so upon request and after advisement from the ESW or EW. Exception: The recipients may not switch VIEW participants in order to avoid or cure a sanction.**

**When both parents are under the age of 18 they are exempt. However, they may volunteer until they attain the age of 18.**

**Volunteers** - Recipients who are exempt from VIEW may volunteer to participate in VIEW. Recipients of SSI benefits are ineligible for inclusion in the TANF assistance unit; therefore, they cannot volunteer to participate in VIEW. The eligibility worker must advise **all volunteers** that once they enter VIEW by signing the Agreement of Personal Responsibility they are then treated as mandatory with the same rights and requirements as mandatory participants, **unless in the 12-month trial period.** When the volunteer's TANF case closes, the exempt individual will have the option of volunteering again for VIEW or not. If an applicant requests to volunteer, he must not be referred to VIEW nor can he receive the VIEW enhanced disregards until his case has been approved.

**Non-parent caretakers who meet the financial requirements of Section 304.2 and are included in the assistance unit may volunteer to participate in VIEW. They may continue to be eligible until their monthly income exceeds the current poverty level for one person.**

901.3 RESPONSIBILITIES OF THE ELIGIBILITY WORKER - Regarding VIEW, the eligibility worker must:

- A. Explain the exemption criteria to all applicants at application and to recipients at redetermination, and their obligation to report changes affecting their status. The recipient must provide information and verify all reported changes in exemption status. The eligibility worker must change the exemption status in the month in which the change is verified. Note: Changes that result in a status change from exempt to non-exempt which are reported late, do not constitute an overpayment.
- B. Screen for VIEW status and refer recipients for VIEW participation, when appropriate, and use the appropriate system VIEW status codes (Refer to ADAPT field help on AEGNFS).
- C. Explain the requirements of the VIEW Program and the related supportive services to all applicants/recipients at application and redetermination. Information should also cover the transitional child care, transitional transportation, and transitional Medicaid benefits available when the TANF case closes. All applicants and recipients, **including non-parent caretakers in the assistance unit**, who are not mandatory must be offered the opportunity to volunteer for the VIEW Program.

- N. Upon notification from the VIEW worker indicating that the VIEW participant is being placed in a Full Employment Program (FEP) placement, suspend the TANF payment per 901.14. The eligibility worker must conduct a prospective determination of eligibility in the last month of the FEP placement.

901.4 RESPONSIBILITIES OF THE VIEW WORKER - The VIEW worker must:

- A. Have the recipient sign the Agreement of Personal Responsibility.

**Note: Explain IPV (Intentional Program Violation) reporting requirements and penalties to the participant. Have the client sign the Notice of Intentional Program Violation Penalties. This form may be located on the local agency DSS Intranet site ([www.localagency.dss.state.va.us](http://www.localagency.dss.state.va.us)). Give a copy to the client and place a copy in the VIEW record. See Section 102.\***

- B. Enter the date that the Agreement of Personal Responsibility is signed in ESPAS on the VIEW assessment record.

NOTE: This trigger will start the participation counter in VACIS that tracks the 24 months of TANF eligibility.

- C. Advise the eligibility worker of the non-exempt recipient's refusal to sign the Agreement of Personal Responsibility, if applicable.
- D. Determine in which component(s) an individual must participate and whether he complies.

The VIEW Program consists of the following components listed in priority order:

1. Unsubsidized private sector employment - full, part-time, or temporary;
  2. Subsidized full-time employment (Full Employment Program);
  3. Community work experience - jobs selected to provide the recipient with skills and serve a useful public purpose.
- E. Report to the eligibility worker, within five working days, any changes which financially impact the recipient, which have occurred in the VIEW activities of the TANF or TANF-UP recipient such as securing of employment or entering the Full Employment Program.
- F. Advise the eligibility worker that a case is to be sanctioned and the appropriate sanction period.
- G. Advise the eligibility worker when participation begins again so the eligibility worker knows when to remove the sanction.

901.5 PARTICIPATION AND COOPERATION REQUIREMENTS

- A. Agreement of Personal Responsibility - As a condition of eligibility, all non-exempt individuals must sign a written Agreement of Personal Responsibility. A new Agreement must be signed at the initial VIEW assessment and upon re-referral following a reapplication or a period in which the individual is exempt. An individual is considered a VIEW participant when the Agreement of Personal Responsibility has been signed. The agreement will, at a minimum, explain the 24-month time limit and that it is the participant's responsibility:
1. To seek employment to support his own family.





Example 2: Mr. and Mrs. Y receive TANF-UP and have 6 months on their VIEW clock. Mr. Y leaves the household and moves in with Ms. A, who is a VIEW participant with a VIEW clock of 3 months. Mr. Y is now subject to the VIEW clock of 3 months.

5. When a parent is added to a TANF case without an existing time clock, the case he joins is subject to the clock count at the point he left the previous case.

Example: Mr. and Mrs. Y receive TANF-UP and have 6 months on their VIEW clock. Mr. Y leaves the household and moves in with Ms. A, who is exempt from VIEW and does not have a VIEW clock. Because the case he is joining does not have a VIEW clock, the new case is subject to the VIEW clock of Mr. Y and Ms. A and Mr. Y are now subject to a VIEW clock of 6 months.

901.10 NOTICE AND APPEAL OF THE TIME LIMIT\* - ADAPT will generate an Advance Notice of Proposed Action at the beginning of the twenty-second month of VIEW participation and will be sent to the local agency for mailing to the recipient. The notice must be mailed, or available at the local agency in the case of an assistance unit which is homeless, at least sixty (60) days before the effective date of the action, excluding the date of mailing and the effective date, to terminate the TANF case due to the twenty-four month time limit. The notice shall also inform the participant of the circumstances which constitute a hardship exception and how to apply for one.

If a case is not in approved status in the system on the first of the month of month twenty-two, the eligibility worker must send a manual Advance Notice of Proposed Action. This notice must inform the recipient that financial assistance is scheduled to terminate due to the twenty-four month time limit and that they and their family will be ineligible for financial assistance for at least twenty-four months after termination of TANF or termination of transitional Medicaid or transitional transportation,\* whichever is later. Information regarding circumstances which constitute a hardship and how to apply for one must also be provided.

**If an applicant is reapplying for TANF, and has already received a 60-day notice, the agency must note the number of remaining VIEW months on the Notice of Action to approve the case.**

In the event the notice is not issued in a timely manner, the agency must not close the case due to the 24-month time limit until the full 60-day advance notice period has expired. Any benefits received after the 24th month are an overpayment and must be recovered.

If a hearing is requested prior to the effective date of the proposed change to terminate benefits due to the 24-month time limit, a participant appealing such change shall have the right to continued direct payment of TANF benefits pending final administrative action on such appeal.

Termination of financial assistance due to expiration of the time limit is the only circumstance which requires a 60-day notice. For any other action, adhere to policy found at manual sections 401.1-401.6 regarding notification.

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\* Code of Virginia, §63.2-612

VIEW GRANT CALCULATION

Example 1 - Earnings

Assistance unit of 2 in a Group II locality. Mom earns \$450 gross monthly and is eligible for \$30 and one-third disregards. The monthly Federal Poverty Level for an assistance unit of 2 is **\$1,010**.

Step (1)	-	Screening at Federal Poverty Level	
			\$ 450.00 Gross Monthly Earnings <
			<b>\$1,010.00</b> Monthly Federal Poverty Level for 2
Step (2)	-	Unearned Income	
			\$254.00 Standard of Assistance for 2
			<u>- 0</u> Unearned Income
			\$254.00 TANF Deficit
Step (3)	-	Earned Income Disregards	
			\$450.00 Gross Monthly Earnings
			<u>- 90.00</u> Standard Work Deduction
			\$360.00
			<u>- 30.00</u> \$30 Disregard
			\$330.00 x one-third = \$110
			<u>-110.00</u>
			\$220.00 Net Earned Income
Step (4)	-	Add Net Earned Income and TANF Deficit	
			\$220.00 Net Earned Income
			<u>+254.00</u> TANF Deficit
			\$474.00 < Federal Poverty Level
			\$254.00 = VIEW Payment (TANF Grant)

Example 2 - Earned and Unearned Income

Assistance unit of 2 in a Group II locality. Mom earns \$300 gross monthly and is eligible for \$30 and one-third disregards. The assistance unit also received \$120 unearned income monthly.

Step (1)	-	Screening at Federal Poverty Level	
			\$ 300 Gross Monthly Earnings <
			<b>\$1,010</b> Month Federal Poverty Level for 2

Step (2)	-	Unearned Income	
		\$254.00	Standard of Assistance for 2
		<u>-120.00</u>	Unearned Income
		\$134.00	TANF Deficit
Step (3)	-	Earned Income Disregards	
		\$300.00	Gross Monthly Earnings
		<u>- 90.00</u>	Standard Work Deduction
		\$210.00	
		<u>- 30.00</u>	\$30 Disregard
		\$180.00	x one-third = \$60
		<u>- 60.00</u>	
		\$120.00	Net Earned Income
Step (4)	-	Add Net Earned Income and TANF Deficit	
		\$120.00	Net Earned Income
		<u>+134.00</u>	TANF Deficit
		\$254.00	< Federal Poverty Level
		\$134.00 = VIEW Payment (TANF Grant)	

Example 3 - Earnings Result in Ineligibility

Assistance unit of 2 in a Group III locality. Mom earns **\$1050** monthly gross and is eligible for the \$30 and one-third disregards. The monthly Federal Poverty Level for an assistance unit of 2 is **\$1,010**.

Step (1)	-	Screening at Federal Poverty Level	
		\$1,050.00	Gross Monthly Earnings >
		\$1,010.00	Monthly Federal Poverty Level for 2
		Ineligible.	

Example 4 - Deficit must be reduced in order not to exceed the Federal Poverty Level when added to net earned income

Assistance unit of 2 in a Group III locality. Mom earns \$800 gross monthly and has exhausted the \$30 disregard. The monthly Federal Poverty Level for an assistance unit of 2 is **\$1,010**.

Step (1)	-	Screening at Federal Poverty Level	
		\$ 800.00	Gross Monthly Earnings <
		\$1,010.00	Monthly Federal Poverty Level for 2
Step (2)	-	Unearned Income	
		\$323.00	Standard of Assistance for 2
		<u>- 0</u>	Unearned Income
		\$323.00	TANF Deficit

## Step (3) - Earned Income Disregards

\$800.00	Gross Monthly Earnings
<u>- 90.00</u>	Standard Work Deduction
\$710.00	Net Earned Income

## Step (4) - Add Net Earned Income and TANF Deficit

\$ 710.00	Net Earned Income
<u>+ 323.00</u>	TANF Deficit
\$1033.00	> Federal Poverty Level

Reduce TANF Deficit:

<b>\$1010.00</b>	Federal Poverty Level
<u>- 710.00</u>	Net Earned Income
<b>\$ 300.00</b>	VIEW Payment (TANF Grant)

Example 5 - Deficit must be reduced in order not to exceed the  
Federal Poverty Level when added to net earned income

Assistance unit of 4 in a Group II locality. Mom earns \$1400 gross monthly and has exhausted the \$30 disregard. The assistance unit also receives \$100 countable unearned income each month. The monthly Federal Poverty Level for an assistance unit of 4 is **\$1,534**.

## Step (1) Screening at Federal Poverty Level

\$1400.00	Gross Monthly Earnings <
<b>\$1534.00</b>	Monthly Federal Poverty Level for 4

## Step (2) Unearned Income

\$382.00	Standard of Assistance for 4
<u>-100.00</u>	Unearned Income
\$282.00	TANF Deficit

## Step (3) Earned Income Disregards

\$1400.00	Gross Monthly Earnings
<u>- 90.00</u>	Standard Work Deduction
\$1310.00	Net Earned Income

## Step (4) Add Net Earned Income and TANF Deficit

\$1310.00	Net Earned Income
<u>+ 282.00</u>	TANF Deficit
\$1592.00	> Federal Poverty Level

Reduce TANF Deficit:

<b>\$1534.00</b>	Federal Poverty Level
<u>-1210.00</u>	Net Earned Income
<b>\$ 324.00</b>	VIEW Payment (TANF Grant)

Example 6 - Maximum Reimbursable

Assistance unit of 6 in a Group I locality. Mom earns \$450 gross monthly and is eligible for \$30 and one-third disregards. The monthly Federal Poverty Level for an assistance unit of 6 is **\$2,057.00**.

Step (1)        -        Screening at Federal Poverty Level

\$ 450.00    Gross Monthly Earnings <  
**\$2,057.00**    Monthly Federal Poverty Level for 6

Step (2)        -        Unearned Income

\$470.00    Standard of Assistance for 6  
-        0    Unearned Income  
\$470.00    TANF Deficit

\$443.00    Maximum Reimbursable Amount

Step (3)        -        Earned Income Disregards

\$450.00    Gross Monthly Earnings  
- 90.00    Standard Work Deduction  
\$360.00  
- 30.00    \$30 Disregard  
\$330.00    x one-third = \$110  
-110.00  
\$220.00    Net Earned Income

Step (4)        -        Add Net Earned Income and TANF Deficit

\$220.00    Net Earned Income  
+443.00    Maximum Reimbursable TANF Deficit  
\$663.00    < Federal Poverty Level

\$443.00 = VIEW Payment (TANF Grant)

Example 7 - Earned Income Case with Immunization  
Penalty

Assistance unit of 2 in a Group III locality. Mom earns \$800 gross monthly and has exhausted the \$30 disregard. One member of the AU receives \$60 SSA monthly. The monthly Federal Poverty Level for an assistance unit of 2 is **\$1010**. There is a \$50 immunization penalty.

Step (1)        -        Screening at Federal Poverty Level

\$ 800.00    Gross Monthly Earnings <  
**\$1010.00**    Monthly Federal Poverty Level for 2

Step (2)        -        Unearned Income

                 \$323.00    Standard of Assistance for 2

- 60.00    Unearned Income

                 \$263.00    TANF Deficit

Step (3)        -        Earned Income Disregards

                 \$800.00    Gross Monthly Earnings

- 90.00    Standard Work Deduction

                 \$710.00    Net Earned Income

Step (4)        -        Add Net Earned Income and TANF Deficit

                 \$710.00    Net Earned Income

+263.00    TANF Deficit

                 \$973.00    > Federal Poverty Level

                 Reduce TANF Deficit:

                 \$1010.00    Federal Poverty Level

- 710.00    Net Earned Income

                 \$ 300.00    VIEW Payment (TANF Grant)

Step (5)        -        Apply Immunization Penalty

                 \$300.00    VIEW Payment

- 50.00    Immunization Penalty

                 \$250.00    Net VIEW Payment

Example 8 - Withholding Disregards  
Due to Untimely Reporting

Assistance unit of 2 in a Group II locality. Mom received a raise to \$810 gross monthly and did not report the change timely. The monthly Federal Poverty Level for an assistance unit of 2 is **\$1010**.

Step (1)        -        Screening at Federal Poverty Level

                 \$ 810.00    Gross Monthly Earnings <

                 \$1010.00    Monthly Federal Poverty Level for 2

Step (2)        -        Unearned Income

                 \$254.00    Standard of assistance for 2

- 0        Unearned Income

                 \$254.00    TANF Deficit

Step (3)                    Earned Income Disregards  
                              \$810.00    Gross Monthly Earnings  
                                    0          Disregards withheld one month for untimely reporting  
                              \$810.00    Net Earned Income

If change had been reported timely, the result would have been:

\$810.00    Gross Monthly Earnings  
  90.00      Standard Work Deduction  
 \$720.00  
  30.00      \$30 Disregard  
 \$690.00    x one-third = \$230  
 230.00    
 \$460.00    Net Earned Income

Step (4)                    Add Net Earned Income and TANF Deficit  
                              \$ 810.00    Net Earned Income  
                              + 254.00    TANF Deficit  
                              \$1064.00    >Federal Poverty Level

Reduce TANF Deficit  
**\$1010.00**    Federal Poverty Level  
  810.00      Net Earned Income  
**\$ 200.00**    VIEW Payment (TANF Grant)

Note: Individual would have received full TANF grant of \$254 if timely reporting had occurred.

#### Example 9 - TANF-UP Household

Assistance unit of 4 in a group II locality. Dad earns \$1500 gross monthly and is eligible for \$30 and one-third disregards. One-hundred fifty percent of the monthly federal poverty level for an assistance unit of 4 is **\$2,300**

Step (1)                    Screening at 150% of the Federal Poverty Level  
                              \$1500.00    Gross Monthly Earnings <  
**\$2300.00**    150% of the Federal Poverty Level

Step (2)                    Unearned Income  
                              \$ 382.00    Standard of Assistance for 4  
                                    0.00          Unearned Income  
                              \$ 382.00    TANF Deficit

Step (3)                    Earned Income Disregards  
                              \$1500.00    Gross Monthly Earnings  
                                90.00      Standard Work Deduction  
                              \$1410.00  
                                30.00      \$30 Disregard  
                              \$1380.00    x one-third = 460  
                                460.00    
                              \$ 920.00    Net Earned Income

**2003 FEDERAL POVERTY LEVEL**

<u>Size of Family Unit</u>	<u>Monthly Poverty Guideline</u>
1.....	\$ 749.00
2.....	\$1,010.00
3.....	\$1,272.00
4.....	\$1,534.00
5.....	\$1,795.00
6.....	\$2,057.00
7.....	\$2,319.00
8.....	\$2,580.00

For each additional person add \$262

150% of the Federal Poverty Level  
(for TANF-UP Families)

<u>Size of Family Unit</u>	<u>150% of the Federal Poverty Level</u>
1.....	\$1,123.00
2.....	\$1,515.00
3.....	\$1,908.00
4.....	\$2,300.00
5.....	\$2,693.00
6.....	\$3,085.00
7.....	\$3,478.00
8.....	\$3,870.00

For each additional person add \$393



- l) Other issues which need to be addressed to facilitate obtaining employment.
- 3) The ESW will be required to inform the participant of the following information on VIEW:
- a) program goals and philosophy;
  - b) program requirements, including an explanation of responsibilities and expectations for participants in the VIEW program;
  - c) benefits of obtaining immediate employment (increased income and skills level, enhanced disregard);
  - d) the two-year time limitation for receipt of TANF benefits;
  - e) evaluation of hardship exceptions and the process for appeals and hearings;
  - f) penalties for failure to comply, without good cause, with program requirements. Penalties include sanctions and possible consequences for hardship exception requests;
  - g) good cause reasons for not complying with program requirements, including information, in writing, explaining the criteria that will be used in determining good cause for not working when no acceptable child care arrangements can be made;
  - h) consequences of not signing the Agreement of Personal Responsibility;
  - i) the requirement to be involved in work activities throughout the two-year time period of VIEW participation;
  - j) the fact that the two-year time limitation for receipt of TANF begins the first of the month after the date the Agreement of Personal Responsibility is signed;
  - k) the name and phone number of the ESW or other persons who might need to be contacted;
  - l) the requirement to respond to all agency correspondence;
  - m) a discussion on "banking" months of TANF to save eligibility, building assets with the additional savings allowed through receipt of the enhanced income and savings account disregards and budgeting; and
  - n) **explain IPV (Intentional Program Violation) reporting requirements and penalties to the client/participant. Have the client sign the Notice of Intentional Program Violation Penalties. This form may be located on the local agency DSS Intranet site ([www.localagency.dss.state.va.us](http://www.localagency.dss.state.va.us)). Give a copy to the client and place a copy in the VIEW record. See Section 102.\***

\* 2002 Acts of Assembly, Item 362

- 4) After the Agreement of Personal Responsibility is signed at the initial assessment, all participants who are not employed or who are not otherwise required, (Section 7, 1 g and 16, b), will be assigned to a 30-day job search component and/or job readiness. In the case of a referral of a former VIEW participant, the ESW may waive the up-front job search requirement and immediately place the individual into a work activity.
- 5) TANF recipients exempt from VIEW **may volunteer to participate. Volunteers will be subject to a VIEW trial period. For the first 12 full months after signing the Agreement of Personal Responsibility, volunteers may have reduced participation requirements and may choose to revoke participation in VIEW. The purpose of the trial period is to allow the participant to become acquainted with VIEW requirements and to determine if the volunteer is able to follow through on participation. At the end of the 12 month period, the volunteer cannot revoke VIEW participation. (The VIEW volunteer may be excused from VIEW by claiming a new exemption.)**

**A recipient may have one VIEW trial period per spell on assistance. If the recipient volunteers for VIEW an additional time, the trial period will not apply.**

C. Agreement of Personal Responsibility

- 1) The participant and the ESW will sign a new Agreement of Personal Responsibility (APR) at the time of the initial assessment and each subsequent referral following approval of a TANF reapplication or upon re-referral following a period in which the individual was exempt. **If the client refuses to sign the APR at the initial assessment, the worker must sign it and date it. The worker must note on the APR that the client refused to sign. The worker must also document the case record that the client refused to sign.**
- 2) If the participant chooses not to sign the Agreement or fails to keep the initial assessment appointment at which the APR is to be signed, the agency will take action to terminate the participant's entire TANF grant. If a TANF-UP participant chooses not to sign the Agreement, the entire household will have its TANF benefits terminated regardless of whether another eligible TANF-UP participant is in the household.
- 3) If the Agreement was signed as a condition of TANF eligibility, the household will be sanctioned rather than terminated for missing the initial assessment appointment.

D. The Agreement will include:

1. The participant's responsibility:
  - a. to seek employment to support his own family;
  - b. to participate in assignments made by the case manager;
  - c. to notify the case manager of any change in circumstances which would impact the participant's ability to satisfactorily participate in the program;
  - d. to accept a job offer. Refusal to accept a bona fide job offer will result in a full household sanction;
  - e. to arrange and find transportation and day care. The case manager will assist the participant when the participant has tried but has been unable to find transportation and day care.
2. Notification of the two-year time period for receipt of TANF benefits.
3. Notification of the enhanced disregards available to the participant if unsubsidized employment is obtained.

- E. An individual who has refused to sign the Agreement of Personal Responsibility and has had his case closed must sign the APR prior to approval of the TANF application, as a condition of eligibility. The signed APR may be obtained by either the EW or the ESW. Local agencies should develop a procedure by which the APR is signed as quickly as possible to ensure that the processing of the TANF application will not be delayed as failure to have the APR signed may result in the denial of the application.

In these situations, the queue or start date entered in the system will be the TANF approval date rather than the date the APR was signed. However, the two-year clock will begin the first of the following month after the APR was signed. The eligibility worker will adjust the clock accordingly upon TANF approval.

- F. Based on the assessment information, the ESW and participant will develop an Activity and Service Plan.

### G. The Two-Year Time Limitation

- 1) The two-year time limitation for receipt of TANF benefits begins the first of the month after the date the Agreement of Personal Responsibility is signed. The VIEW status of the TANF recipient on the first of each month determines if the month will count toward the two year period.
- 2) The months in which the participant meets any of the following conditions on the first of the month will not count toward the two-year time period:
  - a) he is exempt from VIEW;
  - b) he does not have an open VIEW supplement, for reasons other than sanction; or
  - c) he is assigned to inactive.
- 3) Months in which a participant is assigned to pending will count toward the two-year time period.
- 4) Months in which a participant is sanctioned will count toward the two-year time period.
- 5) Months in which TANF benefits continue due to appeal will count toward the two-year time period.

## 5. ACTIVITY AND SERVICE PLAN

- A. Based on the information obtained during the assessment, the ESW and participant will develop an Activity and Service Plan. The Activity and Service Plan will detail:
- 1) a list of the planned activities which the participant will need during the two-year time period in order to obtain employment;
  - 2) the participant's current assignments, and specific responsibilities of the participant and the agency; including but not limited to the expected levels of a) participation, b) attendance and/or c) the requirement to return information to the ESW and report changes which impact employment and/or participation;
  - 3) the participant's need of supportive services to carry out the program requirements, if services are needed. The Activity and Service Plan may take the place of a service application;
  - 4) a statement explaining the reason(s) for assignment to Pending or Inactive, if applicable, and a list of the steps planned to resolve the issues leading to that assignment.
  - 5) a description, begin and end dates, and planned weekly hours of the participant's assignment or assignments;
  - 6) that participants should contact the ESW if they are considering quitting a job or, if possible, they believe they are in danger of being fired from a job. This is to enable workers to either help participants retain that position or obtain other employment.

**7) If the participant has a medical evaluation noting physical limitations, the worker and participant must design activities to accommodate the limitations indicated on the medical evaluation.**

- B. The ESW must complete a new Activity and Service Plan at initial assessment, reassessment, or whenever there is a change to the participant's activity assignments. Modifications to the Activity and Service Plan or modifications to the Agreement of Personal Responsibility due to changes in assignments will not affect the TANF two-year time limitation.

**6. SOCIAL/SUPPORTIVE SERVICE**

Social/supportive services are provided to remove barriers to the individual's participation and to stabilize employment. The supportive services available are child care, transportation, (medical and dental, services) work related expenses and emergency intervention. Supportive services are provided as needed and available to support participation in orientation, assessment, approved self-initiated education, training and employment activities, or to accept or maintain employment. The provision of supportive services is contingent upon the availability of funds based on local VIEW allocations, and spending limits for such services will be the discretion of the agency. In such situations that limits are set, this should be stated in the SOP and applied equally for each participant. Agencies are encouraged to explore alternatives to removing barriers, if supportive service funds are limited. If supportive services are essential for participation, and neither the participant nor the agency can provide them, and no alternatives are available, the participant may not be sanctioned for noncompliance. In these situations, the participant will be placed in "Inactive" status, which will prevent the clock from counting against the 24 month and the 60-month time limit.

**A. Duration of Supportive Services**

- 1) Supportive services may be purchased for as long as the participant is in a VIEW activity and the TANF case is open or if the TANF case is closed and the required number of job follow-ups have not been completed. If the supportive services consist of transportation see the instructions for transitional services on page 66.
- 2) Participants who enter full or part-time employment and continue to receive TANF or TANF-UP are eligible for supportive services. In the event of TANF case closure, all supportive services may be provided for 90 days or until the required job follow-ups are completed, whichever is longer.

Note: Transitional supportive services, for which a former participant may be eligible to receive for 12 months, are limited to transportation, child care, Medicaid, and employment and training.\* Workers are to inform clients how receiving transitional services will affect their period of ineligibility. When a participant receives transitional transportation it must be recorded in ESPAS. ESPAS can be accessed through the ADAPT main menu, option 14. For detailed instructions refer to the ESPAS Manual, Chapter L.

**B. Employment Service Worker Responsibilities**

- 1) The Employment Services Worker is a case manager. As part of his responsibility he assists the applicant/recipient in meeting his service needs. This may be done directly by the ESW or through a referral to a social worker or service provider.
- 2) When providing social services to recipients, the Activity and Service Plan form may replace the Service Application regardless of the funding source for the service or the

- (a) purchase of an initial set of tools or equipment;
- (b) uniforms;
- (c) safety equipment
- (d) professional fees and licensing require by the occupation; and
- (e) automobile repairs and insurance.

G. VIEW Emergency Intervention Services

This service provides assistance during crisis situations which may affect the individual's participation in an activity or employment. Examples are emergency provisions of food/utilities, or other items necessary for the client to gain and or/keep employment or participate in other ESP activities. Automobile expenses are not covered under this section.

H. Local procurement/purchase procedures should be followed when purchasing medical/dental, work-related and emergency intervention supportive services.

7. PROGRAM COMPONENTS

VIEW program components include all work activities as well as job search/job readiness and education and training. All program components will be monitored monthly for attendance of scheduled hours. In addition, education and training activities will be monitored for satisfactory progress at periodic intervals.

**Note: Participants assigned to a work activity for at least eight hours per week may also engage in educational and training activities.**

A. Recipient Job Search

- 1) Job Search is a structured activity carried out over a defined time period when the participant must complete **a specified number of job contacts per assignment to job search. The number of job contacts required must be determined on an individual basis and must be within a range established by each local department of social services. Both the agency range and the number of required contacts set on an individual basis should be determined based upon criteria, such as, other work or training activities in which the participant is involved, employment conditions within the locality, and availability of transportation and child care.**

**The maximum and minimum number of job search contacts must be included in the local agency's VIEW Annual Plan. The limits set may be changed as deemed necessary by the agency. Changes between VIEW Annual Plan submissions must be reported to the Regional TANF Consultant at the time of the change.**

- a) For the purpose of discussing progress of the job search, and ensuring that the contacts made are reflective of the participant's job skills, bi-weekly contact between the participant and the ESW is suggested. This practice may enhance the participation rate as early intervention by the ESW may benefit participants who may not be utilizing the full job search period to obtain employment.
  - (1) If the participant finds full-time employment, the job search will terminate;
  - (2) If the participant finds part-time employment, the ESW may decide whether to terminate the job search or require the individual to continue looking for full-time employment. The participant will be required to fully participate in activities designed to assist him in obtaining full-time employment.
- b) Localities may determine how many employer contacts will be required for individuals who are already working part-time at the time they enter the VIEW program.

- c) Local departments must work with public and private providers of job development/job placement services, such as VEC, JTPA, and the Department of Economic Development to facilitate job development and job placement.
- d) Participants who are not employed 30 hours or more at the time the Agreement of Personal Responsibility is signed must be placed into a 30-day job search. However, in the case of previous VIEW participants, the ESW may waive the up-front job search requirement and place the individual into a work activity.
- e) A participant must accept a bona fide offer of employment. Participants who refuse to accept a bona fide offer of employment will be sanctioned.
- f) A participant who has not found full-time employment 60 days prior to the end of his 24-month TANF time limitation must be placed in a job search component in conjunction with a work activity. This assignment will continue until the participant leaves TANF at the end of the two-year time period.
- g) The up-front job search for a participant already enrolled in an education or training program may be waived if:
  - (1) the participant has been enrolled in the education and training (self-initiated) for at least one grading period; and
  - (2) the participant is satisfactorily enrolled and is meeting all requirements of the activity as defined in this chapter at Section 7., e, Post Secondary Education; and
  - (3) the education and training is related to a specific employment and/or occupation; and
  - (4) the participant must be able to complete the education or training within one year (12 months).
- h) The up-front job search for a participant may be waived if the ESW determines the participant would benefit from immediate job skills training and is placed in a vocational education program. The participant must meet the eligibility criteria as defined in G, 2, page 45, of this section.

**NOTE: When there is a refugee resettlement agency in the locality available to work with refugees, all work requirements for refugees required to participate in VIEW should be coordinated with that agency (or designated service provider). The resettlement agency, while maintaining communication with the local agency, must take the lead in assisting the refugee in the pursuit of self-sufficiency. The local agency case record must contain a Comprehensive Resettlement Plan (CRP) developed by the resettlement agency. Contracts between the Office of Newcomers Service and Refugee Resettlement Service Providers mandate these services.**

It must be noted that this exception does not remove the requirement for a participant to be in a work activity between the 90<sup>th</sup> and 95<sup>th</sup> day from assignment to the queue. It does allow the ESW more flexibility to modify the job search requirement in order for the participant to find employment which will meet the work requirement and at the same time support the education or training program

requirements. If the education or training program includes a work activity such as work-study or practical training outside of a classroom for at least eight hours a week, the up-front job search may be waived.

## 2) Elements of the Job Search Component

When designing the Job Search component, the worker must incorporate the following elements based on the participant's needs:

- a) techniques to help the participant identify good work attitudes, strengths and job skills. For any participant who lacks work history, the identification of transferable skills is extremely helpful.
- b) job seeking skills to train the participant to successfully seek and obtain appropriate employment. This instruction/ guidance will enable participants to market themselves in a job interview and on the job. Subjects include, but are not limited to, development of job leads, job interviewing techniques, discussion of local labor market information, employer expectations, and completion of applications.
- c) activities and opportunities for the participant to build self-esteem. A group setting is one of the best ways to build self-esteem. Brief periodic meetings may be held to allow the group members an opportunity to report progress, discuss problems and receive specific help with job search techniques.
- d) use of the telephone as a primary employer contact to develop job leads and obtain interviews. Developing and writing a good phone script and practicing employer contacts will be an effective aid for the participant in job search.

## 3) Employer Contacts

- a) The participant has the responsibility to arrange **the required number of** job interviews or submit applications/resumes. The ESW provides support and direction in these areas throughout the job search assignment.
- b) All participants must be registered with their nearest Virginia Employment Commission Office. Registration with the Virginia Employment Commission will be considered one employer contact.
- c) All participants must report employer contacts in writing by completing the VIEW Job Search Form.
- d) To qualify as an employer contact, four conditions must be met:
  - (1) The participant must present himself to an employer as being available for work;
  - (2) The employer must ordinarily employ persons in areas of work for which the participant is reasonably qualified by means of experience, training or ability;
  - (3) The participant cannot count the same employer more than once during a given job search period unless he applies for different positions; and



is the number of participants who are in a combination of work activities for a total of at least 30 hours a week, based on the current fiscal year requirement.

- 2) TANF-UP Families – To assist in the strengthening of two-parent families, TANF –UP cases should be treated as priority referrals. Also, the TANF-UP participation rate is higher and these families may be in need of more intensive services to meet participation requirements. These households are required to participate a minimum of 35 hours per week. If one parent in an active TANF-UP case participates at least 35 hours per week in work activities, he will have met the federal hourly requirement for the family; however, for the purposes of the participation rate, the required 35 hours per week may be split between the two parents. If both parents are mandatory participants in VIEW, each will participate.

If the TANF-UP family receives child day care services through the local agency, the parents must participate in federal participation activities for a minimum total of 55 hours per week.

Note: A single or married parent under the age of 20, satisfactorily attending high school, GED or ABE classes will count toward the participation rate.

- 3) Activities included in the federal participation rate:
  - a. Unsubsidized Employment
  - b. Subsidized Employment (FEP)
  - c. Community Work Experience
  - d. Individual Job Search/Group Job Search/Job Club/Job Readiness and Other Locally Developed activities
  - e. Vocational Education Training (Job skills and self-initiated training that is offered in a public school setting)
  - f. Jobs skills training and self-initiated skills training
  - g. Education directly related to employment (ABE and GED activities)
  - h. English as a Second Language (ESL)
  - i. Satisfactory School Attendance for Individual without a High School diploma or GED
  - j. On-the Job Training

4. Activities that do not count in the numerator
  - a. Post Secondary –Associate or Certificate
  - b. Post Secondary – 4 Year Degree
  - c. Self-Initiated Education – Post Secondary
  - d. Job Development and Job Placement
  - e. Inactive
  - f. Pending (unless employed )

E. Satisfactory Participation

Satisfactory participation will be documented in the system as “Y” if the participant participated the required number of hours as agreed in the Activity and Service Plan. An “N” will be entered if the participant did not participate all of the required hours. The actual hours of participation is what should be entered into the system monthly. For the purpose of determining whether or not a participant should be referred for sanction because he did not participate the number of hours agreed upon in the Activity and Service Plan, good cause will be evaluated to determine if the reason for not fully participating was legitimate. Satisfactory participation will be documented on the Attendance/Performance Rating Sheet and Attendance Record or an agency developed method. Local staff must stress the importance of timely reporting to participants and providers to assure information is provided as needed.

Local agencies should develop procedures to ensure that reporting is accurate and timely.

Local agencies must maintain a record of attendance on each participant they are serving. At a minimum, documentation must include the number of hours scheduled and the number of hours the participant actually attended on a monthly basis. If the attendance record is not maintained in the participant’s record, the worker must document how the number of hours the participant attended was verified.

- F. To calculate the average weekly hours of participation during the month, total the hours the participant actually participated for the month and divide by 4.33. The following are rules for counting hours for participation:
- 1) The hours will count in all active program components except for Job Development and Job Placement. Activities recorded as “other locally developed” in the automated system will count as job readiness for the purposes of federal reporting.
  - 2) In Job Search, each employer contact will count as three hours. These hours are in addition to scheduled hours for Group Job Search or Job Club. **For example, five contacts per week meets 15 hours of the 30-hour weekly participation requirement. The participant must engage in other assigned activities for the remaining 15 hours per week.**
  - 3) Work-study hours count towards hours of participation and will be recorded as employment.

**Note: Prior to sending the Advance Notice of Proposed Action, the agency may contact the client by phone or mail to encourage participation, explore good cause, and/or notify the client of a possible sanction. The VIEW Notice of Sanction/Termination may be used for this purpose.**

- 2) A participant who has good cause for noncompliance will not be sanctioned. Good cause will exist if:
    - a) The participant's inability to fulfill program requirements is due to circumstances outside his control or is the result of a change in circumstances over which the participant had no control;
    - b) Acceptable child care is not available when necessary for an individual to accept employment or enter or continue in the program. To be acceptable, the child care must meet all of the following criteria:
      - (1) The child care must be arranged:
        - (a) by the participant, or
        - (b) if the participant can not arrange for the child's care, it must be arranged by the local department of social services with a legally operating provider;
      - (2) The child care must be within a reasonable distance from the participant's home or work site. This means that the travel time from the child's home to the child care provider and the work site is generally no more than one hour, based on transportation available to the parent;
      - (3) The child care arrangements must be affordable. This means the cost of the child care is less than or equal to the payment amounts specified in the Child Day Care Services policy (Volume VII, Section II, Chapter D); and
      - (4) If the child care is with a relative it must meet the requirements for relative care in the Child Day Care Services policy (Volume VII, Section II, Chapter D).
- The participant is responsible for demonstrating that she is unable to find child care for one or more of the above reasons. The local agency is responsible for determining if the information provided substantiates that needed child care that meets the above criteria cannot be arranged. The ESW must consult with the Child Day Care worker in evaluating whether a sanction is appropriate.
- c) Accepting employment would result in a net loss of cash income for the assistance unit. Net loss of cash income would result if the family's gross earned income, less necessary work related expenses, was less than the recipient's TANF check he was receiving at the time the offer of employment was made.

- 1) Description of the job and circumstances surrounding the termination of employment, reduction in earnings or refusal of increased work hours.
- 2) Contact log documenting all contacts with the participant.
- 3) A copy of the communication sent to the EW to sanction/terminate the case.

I. Advance Notice of Proposed Action to Sanction/Terminate

- 1) This notice is sent to participants who does not comply with the VIEW program to inform participants that their benefits will be terminated.
- 2) **Upon determination to sanction the client for noncompliance**, the ESW will send a written communication to the EW to send the Notice. The communication will include the noncompliance act.
- 3) The Notice will inform the participant of the specific requirement which was not met, and advise the participant to contact the ESW within 10 days from the date the Notice was mailed in order to establish good cause or the TANF grant may be suspended.
  - a) The Notice will give the participant at least 10 days from the date the Notice is mailed to provide good cause.
  - b) If the participant does not respond to the Notice by the date given, he will be sanctioned.
  - c) If the participant responds to the Notice, the information becomes part of the documentation needed to determine if the sanction will be imposed. If the participant does not present good cause, he will be sanctioned.

J. Sanction Procedures

- 1) In agencies in which both the VIEW program and TANF benefits are not managed by one case manager, the ESW will advise the EW that a sanction is required, when to impose a sanction, and which sanction to impose. An automated message is sent to the EW via the automated system to impose the sanction or a manual communication may be sent. Eligibility will send the participant the Notice of Adverse Action to affect payment which explains the reason for the sanction, the amount of benefit reductions to be imposed, and the duration of the sanction.
- 2) For the purposes of recording and establishing sanctions, the sanction period begins on the date the participant was in noncompliance. This date is recorded in the automated system by the ESW. The effective date on the Notice of Proposed Adverse Action is the beginning of the sanction period for purposes of suspending assistance.
- 3) The sanction will be imposed the first month following the month in which the case was referred for sanctioning, if administratively possible. If not, the sanction will be imposed the following month.

- 4) In an open TANF case, if the recipient terminates employment, the EW may obtain the information first. If so, the EW will notify the ESW. The ESW will contact the employer and/or client to determine if sanctioning is appropriate.

K. Sanction Periods

A TANF or TANF-UP recipient will have his TANF benefits suspended for the following periods:

- 1) For the first failure to comply, the sanction will continue for at least one payment month or until the participant complies whichever is longer. The TANF benefits will be suspended for this sanction by 100% of the grant.
- 2) For the participant's second failure to comply, the sanction continues for a minimum of three consecutive months. The sanction will continue beyond the three consecutive months until the recipient complies. The TANF benefits will be suspended for this sanction by 100% of the grant.
- 3) For any subsequent failure to comply, the sanction continues for a minimum of six consecutive months. The sanction will continue beyond six months until the recipient complies. The TANF benefits will be suspended for this sanction by 100% of the household grant.
- 4) A participant may perform a verifiable act of compliance during the fixed sanction period. The TANF money payment; however, will not be reinstated until after the fixed period.
- 5) The months during which the participant is sanctioned will count toward the two year time period limitation. **The “VIEW Sanction Reminder Notice” (032-03-643) will be generated by ADAPT 15 days prior to the end of the minimum time period for the sanction. A second notice will be generated 90 days after the first notice is sent. The notices will be sent to the local agency’s printer. The agency will send the letters to the participants. The notice can be located on the intranet ([www.localagency,dss.state.va.us](http://www.localagency,dss.state.va.us)).**
- 6) When an individual is receiving TANF and the category changes to TANF-UP or vice versa, the sanction count continues. For example, if an individual is sanctioned in a TANF case and the category changes to TANF-UP, the original sanction continues and must run its course in the TANF-UP case. Any new sanctions the individual incurs on TANF-UP count as being in addition to the sanctions the individual received while being required to participate as a TANF case. If the sanctioned individual leaves one TANF-UP assistance unit and becomes a member of another TANF-UP assistance unit, the sanction will follow that individual. The sanction will not remain imposed on the assistance unit the individual left. Only one assistance unit at a time will incur a sanction created by the same individual.
- 7) The ESW will advise the EW of the effective date on which to lift a sanction. Sanctions cannot be lifted during the fixed period. After the fixed period has ended, the date entered into the automated system which will lift the sanction will be the date the participant agreed to participate. The ESW will wait until the participant actually complies before notifying the EW to lift the sanction.

- b. For failure or refusal to complete and/or return forms or other information to the agency by a required date - returning and/or completing the required form or other information.
  - c. For failure or refusal to begin, to continue in or participate in an assigned activity - beginning, continuing in or participating in an activity for up to two weeks to show a good faith effort to comply.
  - d. For failure or refusal to complete an assignment (example: job search) - completing an assignment.
  - e. **For failure or refusal to obtain or accept employment – if the client obtains employment during the sanction, the employment must be maintained through the end of the sanction period.**
  - f. If the assignment from which a participant has been sanctioned is no longer available or appropriate, compliance may consist of participating in or completing a different activity.
- B. Once the participant has performed a verifiable act of compliance, the sanction is lifted retroactive to the date the participant agreed to comply and subsequently did comply as agreed upon by the participant and the worker. The Activity and Service Plan should reflect the activity and the date by which the activity is to be completed. This date cannot be prior to the end of the fixed sanction period.

#### 14. TRANSFERS

- A. The ESW will transfer within five working days from the date of notification, the entire VIEW record of TANF or TANF-UP participant who moves from one locality to another.
- B. All attempts should be made to transfer the benefits and the VIEW records together.
- C. All service supplements should be updated and closed prior to case transfer.
- D. When a VIEW case with no earned income and not in sanction transfers to another agency, the VIEW clock and the 60-month clock stop until such time as the VIEW worker does an assessment and the clocks re-starts the first of the following month. The receiving agency is responsible for adjusting the clocks.
- E. When a case with earnings or one which is in sanction transfers to another agency, the clock continues.

#### 15. TRANSITIONAL SUPPORTIVE SERVICES

Transitional services are designed to facilitate stability of a former VIEW participant once he leaves TANF, either because he has reached the end of the two-year time period, or when his TANF case closes for other reasons. Workers are to inform clients how receiving transitional services will affect their period of ineligibility. Transitional services available are transportation, child care, Medicaid and employment and training.\* Eligibility for transitional services starts the first day of the month after TANF case closure and continues through the last day of the 12<sup>th</sup> month after TANF case closure. In the event the TANF case is closed and the six months job follow-ups have not been completed and the client is receiving assistance with transportation, the services will be transitional transportation. After the required six job follow-ups have been completed, the VIEW record must be closed. The receipt of transitional child care and transportation are based on employment. Former VIEW recipients may receive transitional Medicaid for reasons other than employment. Transitional services may be provided to either or both of the TANF-UP parents, provided one of them participated in VIEW at TANF case closure.

If the TANF case is reopened and the client is VIEW, the client no longer qualifies for transitional services. The client may qualify for VIEW supportive services. When the TANF case closes again the client may qualify for twelve months of transitional services.

- A. A former VIEW participant may apply for transitional transportation any time during the 12 months of eligibility; however, he will be eligible for only the remaining months of eligibility if he applies after the 12 month period has started. When a participant begins receiving transitional transportation, the information must be recorded in ESPAS. ESPAS is accessed through the ADAPT main menu, option 14. For detailed instructions refer to the ESPAS Manual, Chapter L.

Payments for transitional transportation may be made for any transportation related expenses that are allowed under VIEW guidelines for open TANF cases. Transitional transportation is paid out of a locality's VIEW allocation.

Evaluation of continued eligibility and the need for transitional transportation will occur every three months. Minimally, the re-evaluation will verify the former VIEW participant's employment hours. Failure to respond to requests for information will result in termination of transitional transportation services. Adequate documentation supporting reasons for termination shall be filed in the case record. When transitional transportation services are terminated, a written Services Notice of Action (#032-02-103/5) or letter must be sent at least 10 days in advance of the effective date of the action.

- B. Child care assistance is available up to twelve months after termination of TANF to maintain employment or to participate in employment and training activities.\* To be eligible for transitional child care assistance, a participant must be determined eligible. Transitional child care starts the first day of the month after the month of TANF case closure. The participant will be required to pay 10% of monthly gross income as a fee, for transitional child care, unless a locality has been approved to use an alternative child care fee scale. Once the VIEW participant's TANF case closes and the participant is determined to be income ineligible for transitional child care, the agency may provide the participant with VIEW supportive child care services for 90 days immediately after TANF case closure **or until the 6-month job follow-up is completed, whichever is longer**. The client will not have to pay the 10% fee for the 90 days, but has to pay any amount over the maximum reimbursable rate.
- C. Employment and training\* provides for education and job training services to qualified VIEW participants. Participants in a sanction at case closure are not eligible for employment and training.

Employment and training includes all services listed on pages 18 – 19 and activities listed on pages 19 – 24 and pages 40 – 47. The employment and job training activity must be approved by the VIEW worker.

Employment and training services are available for up to twelve months after TANF case closure if needed to obtain employment, maintain employment or to receive a higher level of employment.

To qualify for employment and training services, the following criteria must be met:

1. The activities are designed to maintain employment income, increase employment income or prevent the loss of employment income by the participant.

- 1) Determine if the participant met the qualifying criteria (section 18.B)
  - 2) Review the request to determine if the participant meets the conditions for the individual hardship exception.
  - c. The ESW must notify the participant in writing that a request for a hardship exception has been approved.
  - d. Within 30 days of the receipt of the participant's request for a hardship exception, the ESW will send a written notification (see form in Appendix A) to the participant informing him of approval or disapproval of the request for a hardship exception.
- 4) The written notice will inform the participant of the following:
- a) The decision regarding the granting of the hardship exception;
  - b) The reason why a hardship exception was not granted;
  - c) The procedures for appealing the decision if the hardship exception was not granted;
  - d) The date on which the TANF benefits will end;
  - e) If the hardship exception is granted, the date for the participant to attend a reassessment interview; and
  - f) The conditions under which the participant will receive the extension of the benefits are the following:
    - (1) The participant must meet all requirements of the Program;
    - (2) If the participant is **not complying with VIEW requirements**, the TANF benefits will be terminated **as soon as administratively possible** and the hardship exception will end;
    - (3) The participant must continue to meet the conditions for which the hardship exception was granted.
- 5) All participants granted a hardship exception will be reassigned to a component designed to assist them in obtaining employment and must meet all other applicable requirements of the Program.
- 6) The local agency will notify the Regional Coordinator of all hardship exception requests, approvals and denials. A letter or locally developed form will suffice to notify the Coordinators.

## 19. APPEALS

- A. All participants have the right to appeal an agency action affecting their entitlement to or receipt of assistance, i.e., terminate or suspend a payment. The ESW's decision to refer a participant to the EW because of non-compliance will result in such an action.



VIEW FORMS

Texas Information Sheet (032-02-311) .....	3
Agreement of Personal Responsibility (032-02-312).....	6
Assessment (032-02-303/1).....	9
Activity and Service Plan (032-02-302/2).....	13
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Community Work Site Agreement (032-02-308).....	23
Work Site Position(s) (FEP or CWEP) (032-02-306) .....	25
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Employer Subsidy Calculation for Full Employment Agreements (032-02-312/1).....	31
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<b>Notice of Sanction/Termination (032-02-307/1).....</b>	<b>42</b>
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Notice of Hardship Exception (032-03-377).....	47
Contact Sheet (032-02-078/5) .....	49
Communication Form (032-02-072/6) .....	50

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF SOCIAL SERVICES

## VIEW NOTICE OF SANCTION/TERMINATION

Participant Name \_\_\_\_\_ Agency \_\_\_\_\_  
Address \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_ Case ID# \_\_\_\_\_

You did not participate as required in the Virginia Initiative for Employment Not Welfare (VIEW) Program. Participation includes maintaining employment as well as keeping appointments and carrying out assignments.

UNLESS YOU HAVE GOOD REASON FOR NOT PARTICIPATING, YOUR BENEFITS WILL BE STOPPED. THIS IS CALLED A SANCTION OR TERMINATION.

- ☐ Your household's entire **TANF** or **TANF-UP** benefits will be terminated because you:
- ☐ Did not appear for the Initial Assessment Interview on \_\_\_\_/\_\_\_\_/\_\_\_\_
  - ☐ Refused to sign the Agreement of Personal Responsibility.
- ☐ Your household's entire **TANF** or **TANF-UP** and Food Stamp benefits will be suspended due to sanction because you:
- ☐ Failed to keep your scheduled appointment on \_\_\_\_/\_\_\_\_/\_\_\_\_.
  - ☐ Failed to complete your assignment to \_\_\_\_\_.
  - ☐ Failed to maintain employment at \_\_\_\_\_.
  - ☐ Other: \_\_\_\_\_.

If you wish to discuss your reasons for not participating, and possibly stop the sanction/termination, you must get in touch with your worker/case manager by \_\_\_\_/\_\_\_\_/\_\_\_\_. If you call after the date shown, or if you do not call at all, you will lose your benefits.

If you are sanctioned and receive Food Stamp benefits, **your Food Stamp benefits may also be affected.**

The termination of **TANF** for failing to appear for the Initial Assessment or refusing to sign the Agreement of Personal Responsibility means that your **TANF** case will be closed until you reapply and are found eligible for **TANF/TANF-UP**.

Unless you take action to stop this process, the sanction/termination will last:

- ☐ For at least one payment month or until you participate, whichever is longer.
- ☐ For a minimum of 3 consecutive months and until you participate. (If you receive this sanction, you will not be eligible for a hardship exception.)
- ☐ For a minimum of 6 consecutive months and until you participate. (If you receive this sanction, you will not be eligible for a hardship exception.)

Your Eligibility Worker will let you know when the sanction or termination will begin.

VIEW Worker/Case Manager \_\_\_\_\_

Telephone Number \_\_\_\_\_

**NOTICE OF SANCTION/TERMINATION**  
**(032-02-307/1) (8/99)**

**PURPOSE OF FORM** - This form gives VIEW participants notice that they have failed to comply with program requirements, advises VIEW participants of the consequences of non-compliance, and advises them of how they may show good cause for non-compliance.

**USE FOR FORM** - This form **may** be sent to VIEW participants to inform them that they are not in compliance with VIEW program requirements and the reason why that determination was made. The form also states that the participant can contact the worker to explain why there was good cause for the non-compliance.

**NUMBER OF COPIES** - Original and one copy

**DISPOSITION OF COPIES** - Original - Mailed to VIEW Participant  
Copy - Case Record

**INSTRUCTIONS FOR PREPARING FORM**

This form provides the VIEW participant with written notice that the participant has failed to comply with VIEW program requirements and the consequences of that non-compliance.

Check the appropriate block at the top of the form and complete the corresponding statement in sufficient detail for the VIEW participant to understand the reason he or she is considered to be out of program compliance.

Check the appropriate block at the bottom of the form to indicate the termination/sanction period.

Keep all responses to this notice in the case record, preferably attached to the notice.

VIEW BROCHURES

Have You Heard About Benefits For Working Families (032-01-155/2) .....	2
Leaving Welfare For Work Isn't As Scary As It Seems (032-01-154/2) .....	6

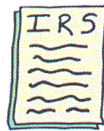
# HAVE YOU HEARD ABOUT BENEFITS FOR WORKING FAMILIES???



**MEDICAID COVERAGE FOR CHILDREN**



**EARNED INCOME TAX CREDIT**



**FREE HELP WITH FILING TAX RETURN**



**FOOD STAMPS**



**CHILD CARE ASSISTANCE**



**ASSISTANCE WITH CHILD SUPPORT**

**READ ON TO LEARN ABOUT BENEFITS  
THAT CAN HELP LOW INCOME FAMILIES WITH CHILDREN!**

!-01-155/2 (4/02)

# HEALTH COVERAGE



## MEDICAID BENEFITS FOR CHILDREN IN LOW INCOME WORKING FAMILIES

- ✓ Hospital care
- ✓ Visits to the doctor
- ✓ Preventive care
- ✓ Medicine
- ✓ Dental care for children
- ✓ Immunizations
- ✓ Eyeglasses

**Medicaid eligibility for children is based on income, age of children and citizenship.** Children under age 19 may get Medicaid. Income limits are higher for children under age 6.

### EXAMPLES:

In 2001, a mother with two children **under age 6** can have countable income of **\$1,621** a month and get Medicaid coverage for both children.

If the two children are **under age 19**, she can have countable income of **\$1,219** a month and still get Medicaid coverage for her children.

- Children under age 19 may get Medicaid.
- Children do not have to be on welfare to get Medicaid.
- Children may get Medicaid even if both parents live in the home.
- One or both parents can work full time and the children may still get Medicaid
- Children may get Medicaid even if their family has a car, a house and a savings account.
- A family with health insurance may still get Medicaid for their children.

To obtain Medicaid coverage for children, an application must be filed providing information such as the family's income and age verification for the parent(s) and children. A family can apply at their local Department of Social Services and, in some areas, they can apply at a regional hospital, a health department or a rural health clinic.

## EARNED INCOME TAX CREDIT



Low income families (with children) who work part time or full time can get more take home pay through the Earned Income Tax Credit (EITC). The amount of extra money depends on income and family size. In 2001, a family with two or more children can earn up to \$32,121 a year and qualify for the EITC.

**A family does not have to owe any taxes to get the EITC.**

There are two ways a family can get the extra EITC money.

- ✓ They can get all the extra EITC money when they file their federal tax return.

OR

- ✓ They can get part of the extra EITC money **in advance** with each paycheck and the rest when they file their tax return.  
To get the extra money in advance with each paycheck, the employee must file Form W-5 with their employer. Employees can get Form W-5 from their employer. (It does not cost the employer any money because it is taken out of the employee's federal withholding taxes.)

**EXAMPLE:** In 2001, a family (with two children) with gross income between \$895 and \$1,091 a month can get \$4,008 in extra EITC money. The family can get the \$4,008 when they file their federal tax return or they can get \$121 per month and the remaining \$2,556 when they file their federal tax return.

The EITC money is not counted as earned income when applying for Medicaid, Temporary Assistance for Needy Families (TANF), Food Stamps, Supplemental Security Income (SSI) or housing assistance.

To get the EITC a family **must** file a federal tax return. **FREE help is available to file tax returns.** Call the IRS at 1-800-829-1040 and ask where you can get help. (If it is busy, don't give up - keep calling because it is worth it to get free help with your tax return!)



## CHILD CARE

**Assistance with child care may be available.**

A family with limited income may qualify for child care assistance.

Due to limited funding, the family may be placed on a waiting list. A family can get information on child care assistance at their local Department of Social Services.



## FOOD STAMPS

**Low income families may qualify for Food Stamps while working full time.** For example, in 2001, a family of three with gross income of **\$1,585 or less** a month may qualify to receive Food Stamps.



## CHILD SUPPORT



The district Child Support Office can help custodial parents obtain child support payments from absent parents. They can also assist in obtaining medical support and in establishing paternity.

- A parent does not have to be on welfare to get help in collecting child support or to receive other child support services.
- There are no guarantees that money will be collected, but getting help from Child Support Enforcement can improve the chances of success.
- Services do not include custody, visitation or other matters.
- There is no charge for services provided by Child Support Enforcement.  
(For more information, call your district Child Support Office.)

To learn more about benefits available for low income working families,  
call your local Department of Social Services.

**VIRGINIA DEPARTMENT OF SOCIAL SERVICES.**



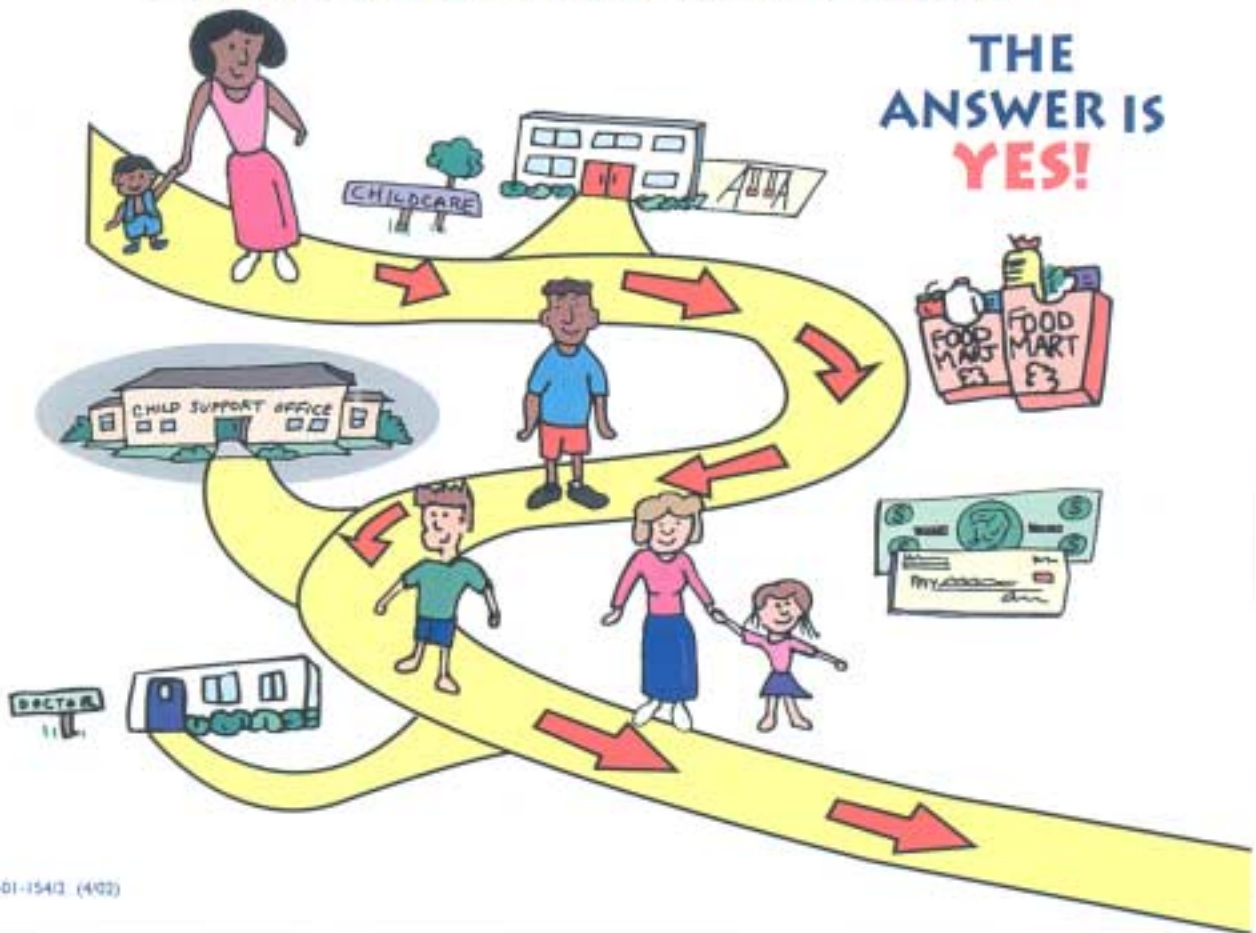
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# LEAVING WELFARE FOR WORK ISN'T AS SCARY AS IT SEEMS

DID YOU KNOW YOU COULD WORK **FULL TIME**  
AND STILL RECEIVE SOME BENEFITS?

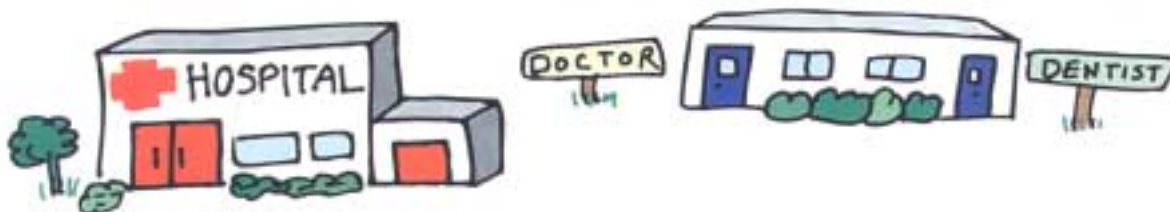
THE  
ANSWER IS  
**YES!**



## WHAT ARE THE BENEFITS FOR FAMILIES WHO LEAVE WELFARE FOR WORK?

- Medicaid (doctor visits, medicine, hospital care, and checkups)
- More take home pay
- Child care assistance
- Food Stamps
- Child Support

## HEALTH COVERAGE



Families who get off of welfare because of work may still get family health coverage for parents and children for up to 1 year! It's called **Transitional Medicaid**.

**After 1 year**, depending on family income, the children are still likely to get health coverage through Medicaid - especially if they are under the age of six.

### EXAMPLES:

In 2001, a mother with two children **under age 6** can have countable income of **\$1,621** a month and get Medicaid coverage for both children.

If the two children are **under age 19**, she can have countable income of **\$1,219** a month and still get Medicaid coverage for her children.

## MEDICAID FOR CHILDREN IN LOW INCOME WORKING FAMILIES

- ✓ Children under age 19 may get Medicaid.
- ✓ Children do not have to be on welfare to get Medicaid.
- ✓ Children may get Medicaid even if both parents live in the home.
- ✓ One or both parents can work full time and the children may still get Medicaid.
- ✓ Children may get Medicaid even if their family has a car, a house and a savings account.
- ✓ A family with health insurance may still get Medicaid for their children.



## EARNED INCOME TAX CREDIT



Low income families (with children) who work part time or full time can get **more take home pay** through the Earned Income Tax Credit (EITC). The amount of extra money depends on income and family size. **A family does not have to owe any taxes to get the EITC.**

There are two ways a family can get the extra EITC money.

✓ They can get all the extra EITC money when they file their tax return.

OR

✓ They can get part of the extra EITC money **in advance** with each paycheck and the rest when they file their tax return.

To get the extra money in advance with each paycheck, the employee must file Form W-5 with their employer. Employees can get Form W-5 from their employer or case worker. (The advance does not cost the employer any money because it is taken out of the employee's federal withholding taxes.)

**EXAMPLE:** In 2001, a family (with two children) with gross income between \$895 and \$1,091 a month could get \$4,008 in extra EITC money. The family could get the \$4,008 when they file their federal tax return or they could get \$121 per month and the remaining \$2,556 when they file their federal tax return.

To get the EITC a family **must** file a federal tax return. **FREE help is available to file tax returns.** Call the IRS at 1-800-829-1040 and ask where you can get help. (If it is busy, don't give up - keep calling because it is worth it to get free help with your tax return!)

### WHICH IS MORE?



#### WELFARE

In 2001, a parent (with two children) on welfare without a job and no other income could get **\$3,840** for the entire year.



#### EITC + PAYCHECK

If the same parent went to work earning **\$13,092** a year (\$1,091 per month), the parent would get a pay check **plus \$4,008** in extra EITC money.

There's more good news! The EITC money is not counted as earned income for Medicaid, Temporary Assistance for Needy Families (TANF), Food Stamps, SSI or housing assistance.

## CHILD CARE

Depending on income, parents who get off welfare because of work may get some help with child care expenses for up to 12 consecutive months, beginning with the first month in which they are no longer on welfare! The parent **must ask** for help with child care expenses. It's called **Transitional Child Care (TCC)**.



**After 12 consecutive months of being off welfare**, the parent might still be able to get some help. The parent will still have to pay a fee.

## FOOD STAMPS

Parents who get off welfare because of work may still receive some assistance through the Food Stamp program.



Example: In 2001, a family of three with a total gross income of \$1,585 or less a month may qualify to receive Food Stamps.

## CHILD SUPPORT



The district Child Support Office can help custodial parents obtain child support payments from absent parents. They can also assist in obtaining medical support and in establishing paternity.

- A parent does not have to be on welfare to get help in collecting child support or to receive other child support services.
- There are no guarantees that money will be collected, but getting help from Child Support Enforcement can improve the chances of success.
- Services do not include custody, visitation or other matters.
- There is no charge for services provided by Child Support Enforcement.  
(For more information, call your district Child Support Office.)

**SO, YOU SEE, FAMILIES DON'T LOSE ALL OF THEIR BENEFITS  
WHEN THEY LEAVE WELFARE FOR WORK. THEY MAY STILL GET:**

- EITC Cash
- Child Care
- Medicaid
- Food Stamps

To learn more about leaving welfare for work (including getting child support), call your local Department of Social Services.

**VIRGINIA DEPARTMENT OF SOCIAL SERVICES.**



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Facts to be EstablishedSubstantiation and Procedures

dependents, exclusive of the ADC caretaker. Any surplus is counted as income to the caretaker. If surplus is sufficient to meet caretaker's total allowable individual need (304.2) she cannot be included in the assistance unit.

f. Under the ESP Program, the nonexempt caretaker-relative has been sanctioned for failure to comply with program requirements.

f. Same as for parent-caretaker.

g. Refuses to assist in determining paternity or securing child support.

g. Same as for parent-caretaker.

NOTE: The caretaker/relative shall be included in the assistance unit even though the only eligible child is a SSI recipient.

C. EWB PERSONS

Include if -

1. Applicant/recipient requests assistance for them; and

2. He/she is providing an essential service.

3. Living in home; and

4. Are not receiving SSI or AG.

5. Are in need; and

6. Are citizens of the U. S. or an eligible alien as defined in Section 201.7 A.

7. Meets other eligibility requirements for EWBs.

C. EWB PERSONS

1. Request made on application/redetermination form.

2. Determine, based on evidence provided by applicant/recipient, that no other individual in the unit can provide such service. All such decisions must be reviewed by Eligibility Supervisor.

3. Telephone or city directory. Contact with landlord, public housing.

4. Agency knowledge.

5. Same as for caretaker who is not parent.

6. Establish as for caretaker.

7. See Section 302.6.F.

Facts to be EstablishedSubstantiation and Procedures

For boarder, count total received, less the standard food allowance for one son at 100% per boarder (Table 1, Appendix 2, Section 305). For roomer-boarder, deduct the standard food allowance for one person at 100% per boarder (Table 1, Appendix 2, Section 305), and apply room rental procedure to remainder.

Total amount received, less cost, is income to be counted.

b. Contributions from other agencies or organizations.

b. Verify amount and purpose of contribution through contact with other agency.

Count in amount received except disregard contribution made for a special needs item not included in the Standard of Assistance.

c. All other cash contributions.

c. Verify -  
Papers in client's possession  
Statement of person contributing.  
Count in amount received, except that occasional or unpredictable contributions are not counted.

d. Home energy assistance (cash payments)

d. Verify amount and purpose of payment through contact with provider business or organization. Count amount received. However, if payment was received by a household that includes individuals other than the **TANF** AU, including SSI recipients, only the **TANF** AU's pro rata share, based on total number of persons in household, is to be counted.

e. Interest.

e. Count as income in the month received or anticipated to be received. Verify amount anticipated/received by documents in customer's possession or through contact with the financial institution where the account or other financial instrument is located.

5. Income designated for the sole use and benefit of a child who is not required to be in the assistance unit.

Do not count any of this income in determining amount of assistance for the assistance unit, if the child is not eligible because: 1) he received a lump sum payment; 2) he is a SSI recipient; 3) he does not meet citizenship/alienage requirements; 4) he is married; 5) is not categorically eligible. If the child is excluded from the unit because verification of categorical requirements has not been provided or because he fails to meet conditions of eligibility, his income will be considered available to the remaining assistance unit members in its entirety. Income of the excluded child must be verified. If the agency is not able to verify the excluded child's income, eligibility for the remaining assistance unit members cannot be determined.

SUBJECT	SECTION/PAGE(S)
Continuation of Assistance During Appeal Process	401.5, p. 10-10a
Contract Earnings	305.1, p. 5-6
Contributions from Another Agency	Procedures VII, p. 10
Countable Earnings	305.3, p. 21
Current Support Received Also see Cohabitant; Minor Caretaker; Stepparent	305.4, p. 36-37; 602.3, p. 1-3
Date of Entitlement	401.1, p. 4; 502.2, p. 3-3a
Day Care Income	Procedures VII, p. 2-3
Death of Applicant	401.1, p. 5
Declaration of Citizenship and Alien Status	201.7, p. 1c-1d
Decrease in Income	305.1, p. 9-9a
Deemed Income	
Ineligible Alien	305.4, p. 41-43
Senior Parent(s) to Minor Caretaker	305.4, p. 41-43
Sponsor to Alien	305.4, p. 32-33a
Stepparent	305.4, p. 37-41
Unverified	305.4, p. 43
Definitions	104.3
Deleting Income	305.1, p. 10
Deleting Person with Income	305.1, p.10
Discrimination Complaint	101.2



SUBJECT	SECTION/PAGE(S)
Single Interview (TANF & FS)	401.1, p. 1a
Social Security Benefits	305.4, p. 24b; Procedures VII, p. 5
Social Security Number (SSN) Letter on SSN Update Requirement	Appendix IV to 201 201.8, p. 1; Procedures I, p. 8-9
Special Occasion Income	305.2, p. 12
Specified Relatives	201.5, p. 1-2
Standard Filing Unit	302.8, p. 6d
Standard Work Deduction (\$90)	305.3, p. 16; 305.4, p. 37 & 42
Standards of Assistance By Groups	304.1, p. 1 Appendix 2 to 304
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